



MIAMI-DADE HOUSING AGENCY

ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)

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ADMISSIONS AND CONTINUED OCCUPANCY POLICY

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Admissions and Continued Occupancy Policy

I. Program Administration

A. Purpose of the Admission and Continued Occupancy Policy

This Admission and Continued Occupancy Policy (ACOP) is a supporting document to Miami-Dade Housing Agency's Public Housing Agency (PHA) Plan. It shall be available for public review during regular office hours Monday through Friday at its main administrative offices located at 1401 NW 7 Street, and at the Public Housing Regional and Site Offices.

The purpose of the ACOP is to establish written policies in accordance with United States Department of Housing and Urban Development (USHUD) regulations and in regards to matters not covered under the USHUD regulations, but left to local discretion for the Public Housing Program and the County-owned Section 8 New Construction developments owned by MDHA. These programs were established by the United States Housing Act of 1937. The regulations that govern these programs are documented in 24 Code of Federal Regulations (CFR) Parts 5, 960, 966, 880 and other applicable regulations promulgated by the USHUD.

B. Miami-Dade Housing Agency (MDHA)

Miami-Dade County, the local government entity responsible for affordable housing programs, administers assisted housing programs through one of its departments, the Miami-Dade Housing Agency, hereafter referred to as the "Agency" or "MDHA". Although the Agency has responsibility for all day-to-day operations of the Public Housing programs, any revisions to this ACOP after its adoption, require approval from the Board of County Commissioners and/or other authorized MDHA officials.

Administration of the Public Housing programs shall comply with applicable Federal, State and local law, the Public Housing and Section 8 New Construction regulations, handbooks, and policies promulgated by the USHUD, and other federal laws including the Fair Housing Act, as amended, The Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act of 1973, as amended, and Section 3 of the Housing and Urban Development Act of 1968, as amended.

C. Ann Marie Adker, et al v. Miami-Dade County and USHUD, Decree

Ann-Marie Adker and other public housing residents filed a lawsuit against USHUD and Miami-Dade County asserting claims of violations of fair housing and civil rights laws. Without admission of any liability, the County and USHUD agreed to resolve all outstanding claims the plaintiffs had against them and a Decree was entered on October 28, 1998 by the District Court. The term of the Decree is ten (10) years.

This ACOP incorporates and implements the provisions of the Decree on Applicant Processing, Tenant Selection, Placement and waiting lists management. Nothing contained herein is intended to change, amend or replace any provision of the Decree. Wherever conflicts may occur between both documents, the provisions of the Decree shall govern.

II. Eligibility for Admission and Processing of Applications

A. Affirmative Marketing

MDHA will take affirmative steps to further fair housing goals by developing a marketing plan that attracts and ensures inclusion on its waiting list of all persons without regard to race, national origin, color, sex, religion, age, disability, familial and marital status, ancestry or sexual orientation.

The opening of the waiting list will be advertised at a minimum in each of the following newspapers: *The Miami Herald*, the largest paper of daily general circulation; *The Miami Times*, the paper with the largest circulation among African-Americans; *Diario Las Americas*, a Spanish publication, and the *Haiti en March*, a Haitian publication. The opening and closing dates of any open waiting list period will be advertised a minimum of two (2) weeks in advance.

1. Outreach to Very-Low Income Families.

Efforts will be taken for special outreach to ensure that all segments of Miami-Dade County's eligible population are informed of all opportunities to apply for program assistance. In order to reach the widest, most needy eligible population, special outreach may take any of the following methods:

- Notice to churches, synagogues, and other places of worship,
- Notice to government offices including Miami-Dade County regional libraries, Team Metro Offices, Miami-Dade County Department of Human Services, Social Security Administration, State of Florida Department of Children and Families or other agencies designed to assist the low income community;
- Notice to agencies that assist the elderly or disabled;
- Public service announcement on radio or television;
- Announcement at public meetings; and
- Any other methods deemed appropriate to increase the scope of outreach for eligible applicants.

In accordance with the Decree, MDHA will consult with the fair housing center (see definition in Appendix I of this policy) on MDHA's affirmative marketing plan before implementation.

2. Marketing and informational materials will:

- Comply with Fair Housing Act requirements on wording, logo, size of type, etc.;
- Describe the housing units, application process, waiting list and preference structure accurately;
- Use clear and easy to understand terms and distribute in more than English-language print media;
- Contact agencies that serve potentially qualified applicants least likely to apply (e.g. the disabled) to ensure that accessible/504/ADA-adaptable units are offered to applicants who need their features;
- Make clear who is eligible: low income individuals and families; working and non-working people; and people with both physical and mental disabilities; and

- Be clear about MDHA's responsibility to provide reasonable accommodations to people with disabilities.

B. Qualifying for Admission

1. It is MDHA's policy to admit into its housing programs only qualified applicants.
2. An applicant is qualified if he or she meets all of the following criteria:
 - Is a family, as defined in Appendix I of this policy;
 - Meets USHUD requirements on citizenship or immigration status as described in item # 3 below;
 - Has an Annual Income (as stated in Chapter XII of this policy) at the time of admission that does not exceed the income limits (maximum incomes by family size established by USHUD) posted in MDHA offices;
 - Provides documentation of Social Security numbers for family members age six (6) or older, or certifies that they do not have Social Security numbers, as described in item # 4 below; and
 - Meets the Applicant Selection Criteria in Chapter II, Sections G, H, I, J, K & L of this policy, including completing a MDHA-approved pre-occupancy orientation session, if requested;
3. Citizenship or Eligible Immigration Status

In order to receive housing assistance, applicants shall be U.S. citizens or have eligible immigration status. Details of the requirements are described below:

- a. MDHA requires all participant families receiving assistance on June 19, 1995 or after November 29, 1996 to provide written documentation of legal immigration status. At the time of annual re-certification or interim certification any new family member shall provide written proof of immigration status for verification by MDHA. All family members must submit proof as follows:
 - Citizens - Signed declaration of U.S. citizenship. MDHA requires verification of citizenship through U.S. passport, voter registration card, birth certificate, or naturalization papers for any family member asserting U.S. citizenship.
 - Non-citizens sixty two (62) years of age and older as of June 19, 1995 - Signed declaration of eligible immigration status and proof of age.
 - All other non-citizens - Signed declaration of eligible immigration status and specified acceptable U.S. Immigration and Naturalization Service (INS) documents of eligible immigration status.
- b. Required documentation shall be provided by the family upon declaration of each family member's citizenship or eligible non-citizen status. MDHA may extend the submission period not to exceed thirty (30) days. The family is required to submit evidence of eligible status only once while being continuously assisted under the program. MDHA shall verify with INS through primary, and if necessary, secondary verifications of documentary evidence submitted by the family to determine the eligibility of each family member.

- c. Once the applicant or participant has submitted the documents of eligibility, MDHA may not deny, delay or terminate assistance solely on the basis that the primary or secondary verification of the immigration documents has not been completed.
- d. In circumstances where INS has not verified eligibility, the family will be provided with a written notice that shall include:
 - That the family has a right to request an appeal to INS of the results of the verification of immigration status;
 - That the family has the right to request an informal hearing with MDHA upon completion of the INS appeal. Such hearing shall be in accordance with hearing procedures in Chapter IX of this policy;
 - That housing assistance may not be denied or terminated until the conclusion of the INS or MDHA appeal process; and
 - Notification of the type of assistance for which the family may be eligible (continued assistance, temporary deferral of assistance or pro-ration of assistance).

4. Mandatory Social Security Numbers

- a. Families are required to provide verification of social security numbers for all family members age six (6) and older prior to admission, if they have been issued a number by the Social Security Administration. This requirement also applies to persons joining the family after admission to the program.
- b. Failure to furnish verification of social security numbers is grounds for denial or termination of assistance.
- c. Persons who have not been issued a social security number must sign a certification that they have never been issued a social security number.
- d. Persons who disclose their social security number but cannot provide verification must sign a certification and provide verification within sixty (60) days. Elderly persons (as defined in Appendix I of this policy) must provide verification within one hundred and twenty (120) days.

5. Legal Capacity:

The head of household of the family must be eighteen (18) years of age or older, at the time of application, or have been emancipated by a court of competent jurisdiction, consistent with Florida law. The head of household must have the capacity under state and local law to enter into a legally binding lease agreement, in which the tenant is bound by the terms of the lease.

C. Waiting List Management

In accordance with the Decree, the waiting list has been organized into two (2) separate waiting lists: one (1) for Project-based programs and a second for Tenant-based programs.

1. The Project-based Waiting List includes the following programs:

- Conventional Public Housing, including Assisted Living Facilities,

- County–owned Section 8 New Construction; and
- Section 8 Moderate Rehabilitation

2. The Tenant-based Waiting List includes the following programs:

- The Housing Choice Voucher Program, and all targeted programs including but not limited to,
- Welfare-to-Work,
- Mainstream Vouchers for Non-Elderly Persons with Disabilities; and
- Project-Based Voucher Program.

The requirements for the Tenant-based Waiting List are included in MDHA's Section 8 Administrative Plan.

3. Position on Waiting List

In the Project-based Waiting List, each applicant will be categorized by the type (elderly or non-elderly, elderly/disabled and/or non-elderly/disabled) and size (number of bedrooms required) of unit. Applicants who qualify for any local preferences that may be established shall be given priority for housing placement over non-preference applicants.

4. Movement on the Waiting List

Each family moves up the waiting list as families with the lowest ranking order based on the neutral lottery system are housed.

When an applicant is close to the top of the Project-based Waiting List, the applicant's information will be verified so that the applicant may be certified eligible to receive benefits. As required by the Decree, those applicants who are determined eligible to be offered family public housing units and for whom a desegregative housing offer (see definition in Appendix I of this policy) will be available shall be referred to the fair housing center for initial mobility counseling, if chosen by the applicant.

Applicants determined ineligible will be promptly notified of their ineligibility and the reason for the determination, and shall be provided an opportunity for an informal review if requested within thirty (30) days of the notice. A mobility pool member (class members of the Decree) that has come to the top of the mobility pool list and determined ineligible for one (1) program shall remain on the mobility pool list for purposes of receiving offers from other programs for which mobility pool members may be eligible, including homeownership opportunities.

5. Changes to Family Composition While on Waiting List

- a. Changes to the family composition after an application is restricted to addition of family members born to, adopted or otherwise granted custody to the family by operation of law, which may include foster children.
- b. MDHA will require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor in the family composition. Changes to the family composition may also be allowed for families in which one (1) or more children less

than eighteen (18) years of age live with the designee of the parent or legal custodian, with the parent or custodian's written consent. Documentation can include but is not limited to court documents, pre-need guardian, school records, other state and federal public assistance documentation, or power of attorney.

- c. All other additions to the family shall be considered only on a case-by case basis by the Director overseeing MDHA's Applicant and Leasing Center (ALC) or designee and must be documented at the time such changes occur. Except for spouses, additions are restricted to immediate family members (sons, daughters, brothers, sisters, parents, grandparents and grandchildren) may be made for humanitarian and extraordinary reasons, including reasonable accommodation for family member.

D. Opening and Closing of the Waiting List

1. Timing

- a. In compliance with the Decree, the position of the applicants on the Project-based and Tenant-based Waiting Lists is determined by a neutral lottery system. One lottery is conducted for the Tenant-based Waiting List and another lottery is conducted for the Project-based Waiting List.
- b. The Decree requires that the waiting lists be dissolved approximately every three (3) years. Re-application is necessary during the open registration period in order to be added to the waiting list; the applicant's position on the waiting list shall be determined by a neutral lottery system.
- c. The Decree further permits that MDHA may re-open the Project-based Waiting List within the three (3) year period if there are insufficient applicants for a particular bedroom size. The Project-based Waiting List thus established will only remain in effect until the next dissolution of both Project-based and Tenant -based Waiting Lists and shall not affect the timing of such dissolution. Applicants who are placed on the Project-based Waiting List because of this provision shall not be placed on the Tenant-based Waiting List and shall be thus informed. Such applicants will be informed that their placement on the Project-based Waiting List is temporary until such time as the Project-based and Tenant-based Waiting Lists are reopened.
- d. The opening and closing of registration periods will be advertised in the media, as described in Section A of this Chapter, for the purpose of reaching all segments of the community and with appropriate advance notice.

2. Open Registration at Designated Locations

- a. Persons interested in applying for the programs offered by MDHA may do so during open registration periods described herein.
- b. Applications can be obtained at designated locations designated by MDHA which will include several locations throughout Miami-Dade County to enable access to all eligible applicants. The designated locations will be accessible to persons with disabilities.

3. Submission of Applications by Mail

- a. Applications will be accepted only by mail at a post office box number rented for that specific purpose. Applications will be accepted if they are received at the published Post Office Box and only if they are post marked by the closing date of the registration period. In the event that MDHA decides to accept applications in person at designated locations, the requirement to submit applications by mail can be so modified. Irrespective of how applications are accepted, MDHA will make reasonable accommodations for applicants with disabilities. The waiting list registration period shall remain open for a specified number of days compliant with the Decree. Currently fourteen (14) consecutive calendar days has been MDHA's practice.
- b. All applicants will be notified that their application was received. If an applicant is determined ineligible to be placed on the waiting list, the applicant will be notified by mail.

E. Processing Applications for Admission

MDHA will accept and process applications in accordance with applicable USHUD regulations. MDHA will assume that the information provided by the applicant in the preliminary application is correct, although all information will be verified later in the eligibility process.

1. All applicants are responsible for updating MDHA regarding address changes. If an applicant does not respond to notices of scheduled appointments or MDHA correspondence, even if no correspondence was received by the applicant because of a change in address, the applicant's name will be removed from the waiting list. If removed from the waiting list, applicants will have a right to request an informal review in accordance with Chapter IX of this policy.
2. Information provided by the applicant may not be verified upon the acceptance of an application. Applicants must certify the information they give is correct and will be informed of their obligation to verify and document all information before they are accepted into any program.
3. Applications are nontransferable except under the following conditions:
 - a. If the head of household passes away, the remaining adult family member listed on the last renewed application will automatically become the head of household applicant, provided such person meets all eligibility requirements. In circumstances where there is more than one (1) surviving adult family member, the family shall determine which surviving family member should be head of household. MDHA shall not make the determination nor create more than one (1) application.
 - b. If the head of household passes away and the remaining family members are minors, the person granted legal custody of such children is entitled to the original date of application, provided such person meets all eligibility requirements.
 - c. As only one application is allowed per family, if a family divides, MDHA will consider the following circumstances in determining which family member shall assume the application:
 - The desires of the family;
 - The interest of minor children, or disabled or elderly family members;

- Any instance of actual or threatened physical violence against a family member by another family member;
 - Which family members were part of the original application for assistance; or
 - If a court determines property disposition between the family members, MDHA will abide the court's determination.
4. MDHA's application for public housing admission may request and include, but may not be limited to, the following information for each application: the date of receipt; family composition and income, applicant's race and ethnicity; disability and immigration status of each family member, and the unit size(s) being requested.
5. Live-in Aide
- a. MDHA will approve a written request for a live-in aide upon written verification that the elderly, near-elderly or disabled applicant's or program participant's family member requires the services of a live-in aide (for the Live-in Aide Verification form, refer to Appendix IV of this policy, Reasonable Accommodation Policies and Procedures). The live-in aide may live in the unit solely to care for the family member and qualifies for occupancy only for as long as the individual requires the supportive services and is living in the unit. MDHA shall deny occupancy of the unit to the live-in aide after the resident, for whatever reason, is no longer living in the unit.
 - b. A relative may be considered as a live-in aide, but must meet all the above criteria and be qualified to provide the care for the family member. The head of household and the live-in aide shall acknowledge that the live-in aide does not have any right to the unit and does not qualify for continued occupancy as a remaining family member by signing the Live-In Aide Agreement which shall become an addendum to the resident's lease (for the Live-In Agreement form, refer to Appendix IV of this policy, Reasonable Accommodation Policies and Procedures).
 - c. Upon approval of the Director overseeing the Applicant and Leasing Center, under extraordinary circumstances, relatives satisfying the definition of a live-in aide wanting to have remaining family status may be added to the family composition as a family member and not as a live-in aide. In such case, the relative's income will be considered in the family's annual income.
 - d. MDHA has the right to deny the request for any person, who does not meet the admission criteria described in Chapter II of the Admissions and Continued Occupancy Policy, to become a live-in aide. A criminal and sex offender background check of the proposed live-in aide shall be completed prior to his/her approval by MDHA.

F. The Applicant Selection System

The factors that may affect applicant selection are described below:

- 1. Need for Uniform Federal Accessibility Standards Units
 - a. Transfers of residents with disabilities and placement of applicants with disabilities requiring Uniform Federal Accessibility Standards (UFAS) - Accessible Units, or units with accessible features (as defined in Appendix I of this policy), will be

centrally coordinated through MDHA's Section 504/ADA Coordinator's Office with the assistance of MDHA's Applicant and Leasing Center;

- b. When an accessible unit becomes available, the unit will first be offered to a current resident with disabilities in the same development who requires the accessibility features of the vacant, accessible unit and occupying a unit not having those features;
- c. If there is no current resident in the same development who requires the accessibility features of the vacant, accessible unit, then the vacant, accessible unit will be offered to a resident with disabilities residing in another development who requires the accessibility features of the vacant, accessible unit;
- d. If there is no current resident who requires the accessibility features of the vacant, accessible unit, then the vacant, accessible unit will be offered to an eligible, qualified applicant with disabilities on the waiting list who can benefit from the accessible features of the available, accessible unit;
- e. If there is not an eligible, qualified resident or applicant with disabilities on the waiting list who wishes to reside in the available, accessible unit, then it will be offered to an applicant on the waiting list who does not need the accessible features of the unit. See 24 Code of Federal of Regulation (C.F.R) § 8.27. MDHA's *Conventional Public Housing Dwelling Lease* requires residents to relocate to a vacant, non-accessible unit within fifteen (15) days of notice by MDHA, if there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit.

2. Income Targeting

MDHA will comply with applicable USHUD income targeting requirements indicated below or as may be amended by USHUD:

- a. Public Housing developments:
 - Families with incomes between 0% and 30% of area median income (extremely low income): This group must constitute at least 40% of all new admissions from the waiting list in any year.
 - Families with incomes between 31% and 80% of area median income: The remaining Public Housing new admissions (no more than 60%) can be up to the low-income level (up to 80% of the area median income).
 - Only where necessary, MDHA may skip applicants on the waiting list to attain the annual extremely low income targeting requirement of 40%.
- b. Section 8 New Construction developments:
 - At least 40% of newly admitted households to Section 8 New Construction must be extremely low income (equal to or below 30% of the area median income);
 - The remaining new admissions (no more than 60%) can be low-income (up to 80% of the area median income) or very low-income level (up to 50% of the area median income), depending on the Housing Assistance Payment contract date.
 - Only where necessary, MDHA may skip applicants on the waiting list to attain the annual extremely low income targeting requirement of 40%.

3. Transfers

MDHA will also offer units to existing residents on the transfer list. Some transfers are processed before new admissions, as detailed in Chapter V of this policy. Transfers do not count toward the 40% income targeting requirement.

4. Designated Housing

- a. The priority of admission system will be used to match the characteristics of the family to the type of unit available, including developments with HUD-approved designated populations. The ability to provide preferences for some family types will depend on unit size availability and whether the developments have HUD approved Designated Plans.
- b. Projects designated for the elderly: Elderly families will receive a priority for admission to units or buildings covered by a USHUD-approved Designation Plan. When there are insufficient elderly families, near-elderly families (as defined in Appendix I of this policy) will receive a priority for this type of unit.
- c. Projects designated for disabled families: Disabled families will receive a priority for admission to units or buildings covered by a USHUD-approved Designation Plan. Currently, there are no Designation Plans.
- d. Mixed Population Projects: A mixed population project is a property, formerly known as an "elderly project", that was reserved for elderly and disabled families at its inception, or for which MDHA obtained HUD approval to designate the property for elderly and disabled families. Dwelling units with special accessibility features for handicapped persons will be offered first to families with persons that require the accessibility features of such units.

5. Preferences

a. Federal preferences

The Quality Housing and Work Responsibility Act of 1998 no longer requires MDHA to consider federal preferences in its selection and admission process.

b. Local preference: MDHA Assisted Living Facilities.

- (a). How transferees and applicants qualify for an Assisted Living Facility (ALF): A resident, transferee or applicant qualifies for an ALF preference if all of the following apply:
 - (i) is a single person who is at least sixty-two (62) years of age or older, or two persons who are at least 62 years old living together;
 - (ii) is Medicaid eligible (each individual). The individuals may receive the additional Optional State Supplement (OSS) income. The OSS check must be endorsed to the facility and the resident will be given a personal allowance on a monthly basis;
 - (iii) does not receive more than the specified ALF income limit per month, nor have more than the maximum funds allowed in a bank account (each

individual) for ALFs. The income limit and maximum funds allowed might change annually;

- (iv) is able to perform daily living activities without supervision or assistance;
- (v) is at risk of being prematurely placed in a nursing home;
- (vi) does not require twenty-four (24) hour nursing supervision;
- (vii) is free from communicable disease and are nonviolent; and
- (viii) is not bedridden, and does not require licensed professional, mental health treatment.

(400.441 F.S.; 58A-5.0181 Adm. Code).

- (b). Notwithstanding (a)(vii) above, the term “communicable disease” does not include Acquired Immune Deficiency Syndrome (AIDS), human immunodeficiency virus or any other communicable diseases, which are considered a disability. Persons with said disabilities are afforded protection from discrimination under State and Federal Anti-discrimination Laws.
- (c). Ranking preference. MDHA uses a local ALF preference where it can be documented that the transferee or applicant has met the criteria set forth above. MDHA will house qualified transferees first from the transfer list and then, if such transfer list is exhausted, then MDHA will house qualified applicants from the waiting list. When there are insufficient qualified transferees or applicants, MDHA elderly persons ages sixty two (62) or older will receive priority for this type of unit. Transferees or applicants in the latter category shall be required to execute a lease permitting MDHA to transfer said transferee or applicant in the event an ALF eligible transferee or applicant requires the unit. MDHA shall be responsible for the moving costs of the transferee or applicant who is required to relocate.
- (d). MDHA will not hold units vacant for transferees or applicants with a preference, nor will it relax eligibility or screening criteria to admit otherwise unqualified applicants with a preference.

6. Deconcentration of Income

- a. MDHA performs an annual income analysis of its covered public housing developments as part of the PHA Plan, to determine those covered developments falling outside the Established Income Range (EIR). The EIR is between 85 to 115% of the average family income of MDHA covered developments, or 30% of the Area Median Income, whichever is greater.
- b. MDHA's policy includes capital improvements toward developments with average income below the EIR to encourage applicant families with income above the EIR to accept units in those developments.
- c. Currently, the selection of applicants is not affected by the deconcentration of income requirement, as the income profile of the MDHA's developments falling below or above the EIR can be justified because of the Decree, family self-sufficiency program and strategies, and/or size of the development.

7. Non-Waiting List Admissions

- a. Displacements Due to Governmental Action (see definition in Appendix I of this policy):
 - MDHA may admit persons not on the waiting list because they have been displaced due to governmental action upon approval of MDHA Director or designee. Families displaced because of governmental action must be referred and verified by the Relocation Office of the Miami-Dade County Office of Community and Economic Development. The referral for assistance must be made within six months of the displacement in order for such families to qualify for housing assistance. MDHA shall, at its discretion, determine the availability of units for displaced persons. Written referrals may also be accepted from USHUD, appropriate federal, state and local law enforcement agencies, by the State Attorney's Office, or by the courts.

G. Interviews and Verification Process

1. As applicants approach the top of the waiting list, they will be contacted by mail and scheduled for an eligibility interview to complete the applicant file. Applicants who fail to attend the scheduled interview, or who cannot be contacted to schedule an interview, will have their applications withdrawn, except under reasonable accommodations provisions for persons with disabilities as described in MDHA's Reasonable Accommodation Policy and Procedures document.
2. The following items will be verified to determine qualification for admission to MDHA:
 - Family composition and type (Elderly/Disabled/near elderly /non-elderly);
 - Annual Income;
 - Assets and Asset Income;
 - Deductions from Income;
 - Preferences;
 - Social security numbers of all family members;
 - Applicant Screening Information; and
 - Citizenship or eligible immigration status.
3. Verification of eligible immigration status shall be carried out pursuant to 24 CFR § 5.5.
4. Applicants reporting zero income will be asked to complete a family expense form to document how much they spend on: food, transportation, health care, child care, debts, household items, etc. and what the source of income is for these expenses.

H. Screening Applicants for Admission

1. All applicants shall be screened in accordance with HUD's regulations and with sound management practices. MDHA will screen applicants to demonstrate the applicant's ability to comply with essential provisions of the lease as summarized below:
 - to pay rent and other charges (e.g. utility bills) as required by the lease in a timely manner;
 - to care for and avoid damaging the unit and common areas;
 - to use facilities and equipment in a reasonable way;
 - to create no health, or safety hazards, and to report maintenance needs;
 - not to interfere with the rights and peaceful enjoyment of others, and to avoid damaging the property of others;

- not to engage in criminal activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents or staff; and not to engage in drug-related criminal activity; and
 - to comply with necessary and reasonable rules and program requirements of USHUD and MDHA.
2. Criminal and sex offender background checks will be conducted within five (5) days from the initial eligibility interview appointment

The eligibility interview appointment letter includes a list of all the documents required by MDHA at the interview and the Personal Declaration form.

3. Eligibility Interview

- a. To the greatest extent possible, eligibility interviews are conducted in private. Reasonable accommodations will be provided for persons with disabilities who may require special services.
- b. Original documents such as birth certificates, social security cards, pay stubs, and receipts will be reviewed, photocopied and included in the applicant's file.
- c. During the applicant's formal interview, the eligibility interviewer will compare new information received with past information stated on the application and query the applicant regarding any discrepancies and/or require additional documentation.
- d. Any additional information or documentation specifically requested of the applicant at the eligibility interview must be provided within one (1) week of the interview date unless an extension is granted.
- e. The applicant family must complete all applicable information spaces on the Personal Declaration form. Misrepresentation of income, family composition or any other information affecting eligibility and selection criteria will result in the family being declared ineligible. In the event the misrepresentation, which may constitute fraud, is discovered after admission, the family may be subsequently evicted, even if the family meets current eligibility requirements at the time.
- f. After MDHA has reviewed all information with the applicant, all adult family members (see definition on Appendix I of this policy) at the time of the eligibility interview, are required to sign the Personal Declaration form and other necessary forms such as authorizations for release of information, prior to conducting background checks.

4. Personal Declaration Form

The Personal Declaration is a personal statement of information required to evaluate the eligibility for selection of the applicant. Information required on the Personal Declaration form relate to the following:

- Household composition
- Local preferences (if applicable)
- Emergency contacts
- Previous landlord references
- Background references

- Care of unit
- Family income
- Family assets
- Child-care expenses
- Disability assistance expenses, and
- Medical expenses

5. Verifications

- a. Written verification from third parties are the most desirable forms of verification of the information provided on the Personal Declaration form.
- b. Verification via telephone will be used when written verification is not readily available. Documentation shall be placed in the applicant or resident file and on computer system notes and shall indicate who provided the information and when, as well as the MDHA staff person who obtained the information. This temporary oral verification shall be supported with the appropriate written documentation within fourteen (14) days of receiving the oral verification.
- c. When no other form of verification is available, an applicant or resident's affidavit, or self-declaration, may be accepted.
- d. All applicants or residents shall allow MDHA to conduct a home visit inspection of their current living arrangements and to perform criminal and sex offender background checks on applicants and family members. Failure to comply shall result in removal from the waiting list, withdrawal of an offer, or termination of assistance.
- e. Prior to initial certification, applicants shall be informed that MDHA will subsequently compare the income information they have provided MDHA to USHUD's Enterprise Income Verification (EIV) system. EIV is a computer matching program that compares the income provided by the resident against income information supplied by state agencies on wages, unemployment and Social Security benefits.

I. Ability to Comply with Lease Requirements

1. Each applicant's ability and willingness to comply with the essential lease requirements will be verified and documented. Applicant screening shall assess the conduct of the applicant and other family members listed on the application, in present and prior housing. Applicants must be able to demonstrate the ability to comply with the terms of MDHA's lease, either alone or with assistance from others.

Any costs incurred to complete the application process and screening will be borne by MDHA.

2. The history of applicants' conduct and behavior must demonstrate that the applicant family can reasonably be expected not to:
 - a. Interfere with other residents in such a manner as to diminish their peaceful enjoyment of the premises by adversely affecting their health, safety, or welfare;
 - b. Adversely affect the physical environment or financial stability of the project;

- c. Violate the terms and conditions of the lease.
3. MDHA will conduct a detailed interview of all applicants using an interview checklist as a part of the screening procedures. The form will ask questions based on the essential elements of tenancy. Responses will be subject to third party verification.
 4. Payment of funds owed to MDHA or any other housing authority is part of the screening evaluation. MDHA will reject an applicant family for unpaid balances owed to MDHA by any member of the applicant family, for any program that MDHA operates, or for money paid to an owner by MDHA, until the unpaid balance is paid in full, or a repayment agreement for funds owed to MDHA is executed. Any applicant, including mobility pool members, who previously lived in public housing or an assisted unit, and vacated leaving an unpaid balance, will not be offered assistance until the outstanding balance is either paid in full, a repayment agreement effectuated and current, or if the debt has been expunged by operation of law. Currently, the debt will be considered expunged by operation of law if the time period has exceeded five (5) years and MDHA has not attempted to collect the debt within the five-year period or by bankruptcy, where permitted.
 5. MDHA's examination of relevant information respecting past and current habits or practices will include, but is not limited to, an assessment of the applicant and each family members':
 - a. Past performance in meeting financial obligations, especially rent and utility bills.
 - b. Record of disturbance of neighbors (sufficient to warrant a police call), destruction of property, or living or housekeeping habits that may adversely affect the health, safety, or welfare of other tenants or neighbors.
 - c. History of criminal activity on the part of any applicant family member involving crimes of physical violence to persons or property, or other criminal acts including drug-related criminal activity that would adversely affect the health, safety, or welfare of other residents or staff or cause damage to the unit or development.
 - d. MDHA may, if a law or regulation requires that the PHA prohibit admission for a prescribed period of time because of a disqualifying behavior or event, choose to continue that prohibition for a longer period of time.
 - e. A record of eviction from housing or involuntary termination from residential programs (taking into account date and circumstances).
 - f. An applicant's ability and willingness to comply with the terms of MDHA's lease, including but not limited to the community service requirement.
 6. An applicant's intentional misrepresentation of information related to eligibility, preference for admission, housing history, allowances, family composition or rent will result in rejection. Unintentional mistakes that do not confer any advantage to the applicant will not be considered misrepresentations.

J. Denial of Assistance

MDHA will complete criminal background and sex offender checks on all applicants and other family members for whom criminal records are available, in accordance with the One Strike rule for criminal offenders. MDHA is required to deny assistance to applicants in the following instances:

1. **Eviction or Termination from Federally Assisted Housing:** MDHA shall deny assistance if any household member has been evicted, or is in the process of being evicted, from federally assisted housing, or if a public housing agency (PHA) has ever terminated assistance, as follows:
 - a. Five (5) years from the date of eviction or termination, if evicted or terminated for drug-related criminal activity;
 - b. As described in item 2 below (Violent Criminal Activity), if evicted or terminated for any violent criminal activity.
 - c. Three (3) years from the date of eviction or termination, if evicted or terminated for reasons other than drug-related or violent criminal activities, e.g., non-payment of rent.
2. **Violent Criminal Activity:** MDHA shall deny assistance for violent criminal activity (see definition in Appendix I of this policy) as follows:
 - a. Ten (10) years from date of arrest for first or second degree murder or sex offenses except as described under 4.b below;
 - b. Five (5) years from date of arrest for manslaughter or for non-murder violent criminal activity.
3. **Drug-related Criminal Activity:** MDHA shall deny assistance for drug-related criminal activity (see definition in Appendix I of this Policy) of a household as follows:
 - a. If any household member is currently engaging (within a year from date of eligibility) in illegal use or possession for personal use of a controlled substance;
 - b. Five (5) years from date of arrest if MDHA has reasonable cause to believe, that a household member's illegal use or pattern of illegal use of a drug may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.
4. **Other Criminal and Non-criminal Activities:** MDHA shall deny assistance to the household as specified in each of the following instances:
 - a. Permanently if any household member has ever been convicted of manufacturing or producing methamphetamine on the premises of any federally assisted housing;
 - b. Permanently if any member of the household is subject to a lifetime registration requirement under a state sex offender registration program, as registered on the Florida Department of Law Enforcement website (www.fldel.state.fl.us). Additionally, MDHA will perform background checks in other states where the household members are known to have resided.

- c. Ten (10) years if an applicant committed fraud, bribery, or any other criminal act in connection with any federal housing agency (provided payment in full of any balance due);
 - d. Three (3) years for a record of two (2) or more incidents of alcohol abuse, if any member of the household's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
 - e. Three (3) years for a record of two (2) or more incidents of other criminal activities (non-violent) which may threaten the health, safety or right to peaceful enjoyment of the premises by other residents; and
 - f. Three (3) years for a record of two (2) or more occasions of failing to meet financial obligations, especially rent and utilities.
5. MDHA may deny assistance for drug or criminal activity based on the preponderance of evidence, regardless of whether there is an arrest or conviction.

Notwithstanding paragraphs 4 (d) and 5, MDHA will not immediately deny assistance if it is determined that the substance abuse is related to a disability, as determined by MDHA's ADA Coordinator.

6. Before MDHA rejects an applicant on the basis of criminal history, MDHA must notify the household of the proposed rejection and provide the household member with a copy of the criminal record upon request either before or at the informal review, and an opportunity to dispute the accuracy and relevance of that record. Criminal records for minors available to MDHA by operation of law will be released to the head of household/parent/guardian of the minor upon request.

K. Applicants Claiming Mitigating Circumstances

- 1. If negative information is received about an applicant, MDHA shall consider the time, nature, and extent of the applicant's conduct and factors that might indicate a reasonable probability of favorable future conduct. To be considered, mitigating circumstances must be verifiable.
- 2. Mitigating circumstances are facts relating to the applicant's negative rental history or behavior, that, when verified, indicate: (1) the reason for the unsuitable rental history and/or behavior; and (2) that the reason for the unsuitable rental history and behavior is no longer in effect or is under control, and applicant's prospect for lease compliance is an acceptable one, justifying admission. Mitigating circumstances would overcome or outweigh information already gathered in the screening process.
- 3. If the applicant asserts that mitigating circumstances relate to a change in disability, medical condition or treatment, MDHA shall refer such information to MDHA's 504/ADA Coordinator to evaluate the evidence and verify the mitigating circumstance. MDHA shall also have the right to request further information to verify the mitigating circumstance. Such inquiries will be limited to the information necessary to verify the mitigating circumstances or, in the case of a person with disabilities, to verify a reasonable accommodation (see MDHA's Reasonable Accommodation Policy and Procedures document under Appendix IV of this policy), which will be used by MDHA as

the source document to process reasonable accommodation requests for persons with disabilities.

4. In its decision to deny assistance, MDHA may consider the seriousness of the case, and the effect of denial of assistance on other family members who were not involved in the action or failure to act. MDHA, if it admits such a family to the program, may impose as a condition of assistance, the requirement that family members who participated in or were culpable for the action or failure to act will not reside in the assisted unit, upon approval of the Director overseeing the Applicant and Leasing Center.
5. Applicants with an arrest record for drug-related or criminal activities, but who have not been adjudicated by a court of law at the time of eligibility determination, will be denied admission as indicated in Section J of this Chapter. However, the household may be reinstated to the waiting list in mitigating circumstances and upon approval of the Director overseeing the Applicant and Leasing Center..
6. Examples of mitigating circumstances may include:
 - a. Evidence of successful rehabilitation. The household member who engaged in drug-related criminal activity has successfully completed a supervised drug rehabilitation program approved by MDHA;
 - b. Circumstances leading to the eviction or criminal activity no longer exist (for example, the criminal household member has died or is imprisoned);
 - c. Evidence of the applicant family's participation in social service or other appropriate counseling service; or
 - d. Evidence of successful and sustained modification of previous disqualifying behavior.
7. Consideration of mitigating circumstances does not guarantee that applicant will qualify for admission. MDHA will consider such circumstances in light of:
 - a. the applicant's ability to provide documentation to verify the mitigating circumstances and prospects for improved future behavior;
 - b. the applicant's overall performance with respect to all the screening requirements; and
 - c. the nature and seriousness of the criminal activity, especially drug related and criminal activity that appears in the applicant's record.

L. Qualified and Unqualified Applicants

1. Verified information will be analyzed and a determination made with respect to:
 - Eligibility of the applicant as a family,
 - Eligibility of the applicant with respect to income limits for admission;
 - Eligibility of the applicant with respect to citizenship or eligible immigration status;
 - Unit size required for and selected by the family; and

- Qualification of the applicant with respect to the selection criteria
2. Qualified families will be notified by MDHA of the approximate date of admission insofar as that date can be determined; however the date stated by MDHA is an estimate and does not guarantee that applicants can expect to be housed by that date.
 3. Applicants who do not respond within thirty (30) days to a notice of ineligibility to receive program benefits, or a notice to come in for processing, or do not cooperate with MDHA in providing all required information, will be notified in writing that his/her name will be removed from the Project-based Waiting List unless he/she requests an informal review by contacting MDHA within thirty (30) days of the notice.
 4. The applicant shall be provided an opportunity for an informal review if requested within thirty (30) days of the notice. An applicant or mobility pool member may within one (1) year of being removed from the waiting list for not responding to notices calling him/her in for processing, request an administrative hearing seeking reinstatement to his/her original place on the waiting list. Mobility pool members removed from the program waiting list because of ineligibility, however, shall not be removed from the mobility pool list for the purpose of receiving offers from other programs for which mobility pool members may be eligible, including homeownership opportunities.
 5. Eligible applicants who are known to have a disability, but fail to meet the applicant selection criteria detailed in Sections G, H, I, J, K & L of this Chapter, will be offered an opportunity to submit documentation in support of their claims that mitigating circumstances related to disabilities or reasonable accommodations will make it possible for them to be housed in accordance with the screening procedures. MDHA's ADA/504 Coordinator will review such claims.

M. Occupancy Guidelines

Units shall be occupied by families of the appropriate size. This policy maintains the usefulness of the units, while preserving them from excessive wear and tear and under-utilization.

1. At the initial certification or during a change of dwelling, MDHA shall, to the greatest extent possible, and within the occupancy standards, allow the family the flexibility of bedroom size to best accommodate family members based on age and gender. For occupancy standards an adult is a person eighteen (18) years or older.
2. Two (2) persons per bedroom will be the standard for the smallest unit a family may be offered.

Minimum and Maximum-Number-of-Persons-Per Unit Standard

Number of Bedrooms	Minimum Persons per Unit	Maximum Persons per Unit
0	1	1
1	1	2
2	2	4
3	3	6
4	4	8
5	5	10
6	6	12

3. Persons of different generations, or age difference greater than ten (10) years (for persons of the same gender), and persons of opposite gender (other than adults who have a spousal relationship) shall be allocated separate bedrooms. A single person family shall be allocated a zero (0) or one (1) bedroom unit and spousal partners a one (1) bedroom sized unit.
4. The following principles govern the size of unit for which a family will qualify. Generally, two (2) people are expected to share each bedroom, except that units will be so assigned that:
 - a. It will not be necessary for persons of different generations or opposite sex, other than those in spousal relationship, to occupy the same bedroom, although they may do so at the request of the family.
 - b. Exceptions to the largest permissible unit size may be made in case of reasonable accommodations for a person with disabilities.
 - c. Two (2) children of the opposite sex will not be required to share a bedroom, although they may do so upon written request from the family. Such situations may occur for families needing larger bedroom sizes (4, 5, 6 bedrooms) for which there are limited availability.
 - d. A family that consists of a pregnant woman shall only be allocated a maximum of a two (2) bedroom unit.
 - e. MDHA will count a child in the occupancy standard who is temporarily away from the home because the child has been placed in foster care, kinship care, or is away at school.
 - f. A single head of household parent shall not be required to share a bedroom with his/her child, although they may do so at the request of the family.
 - g. A live-in aide may be assigned a bedroom. Single elderly or disabled residents with live-in aides will be assigned one (1) or two (2) bedroom units.
 - h. Individual housing units with very small or very large bedrooms or other specific situations that inhibit or encourage lower or higher levels of occupancy may be permitted to establish lower or higher occupancy levels so long as the occupancy levels shall not discriminate on the basis of familial status.
5. The largest unit size that a family may be offered would provide no more than one (1) bedroom per family member, taking into account family size and composition.
6. If a family opts for a smaller unit size than would normally be assigned under the largest unit size standard (because, for example, the waiting list is moving faster), the family will be required to sign a statement agreeing to occupy the unit assigned at their request until their family size or circumstances change.
7. When a family is actually offered a unit, if they no longer qualify for the unit size they were originally assigned, they will be reassigned to the appropriate bedroom size, retaining their original ranking. This may mean that they may have to wait longer for a unit offer.

N. Record Maintenance

MDHA will keep the resident's application for admission in the resident's file. All occupancy information collected during the ten-year term of the Decree shall be retained for at least five (5) years including data on current applicants and residents, and applicants who were never admitted. MDHA's ALC will maintain records of the circumstances of each dwelling unit offered to an applicant, including the location of the unit, the offer date, and whether the offer was rejected or accepted. This information may be maintained electronically.

III. Tenant Selection and Assignment Plan

This ACOP incorporates and implements the provisions of the Adker Decree, as previously referenced in Chapter I - Section C, on Applicant Processing, Tenant Selection, Placement and waiting lists management. Nothing contained herein is intended to change, amend or replace any provision of the Adker Decree. Wherever conflicts may occur between both documents, the provisions of the Adker Decree shall govern.

A. Organizing the Project-based Waiting List

It is MDHA's policy that each applicant shall be assigned his/her appropriate place on the Project-based Waiting List in sequence based upon:

1. Type and size of unit needed and selected by the family (e.g. general occupancy building, accessible or non-accessible unit, number of bedrooms);
2. A neutral lottery system that determines the applicant's ranking on the project-based waiting list.

B. Making Housing Offers to Eligible Applicants

1. To assure equal opportunity and nondiscrimination on grounds of race, color, sex, religion, age, national origin, disability, ancestry, marital or familial status and sex orientation, the following procedures will be used to make unit offers.
2. Until the expiration of the Decree, applicants on the Project-based, Waiting List shall receive desegregative offers (see definition in Appendix I of this policy), that is, offers exclusively to applicants whose race does not predominate at the development, where applicable, for vacancies in the following:
 - Public Housing, including Assisted Living Facilities, and County-owned Section 8 New Construction developments;
 - Section 8 Moderate Rehabilitation developments.

Subject to the Decree's desegregative offer requirement and MDHA's newly approved plan to fill vacancies, the first qualified applicant in sequence on the waiting list is made unit offers of an appropriate size and type. Where possible, the offered units will be located in the central, northern and southern regions of Miami-Dade County.

- a. Up to twenty (20) eligible applicants are offered five (5) units (numbers may be altered depending on availability of units and other factors) after unit is ready for occupancy.
- b. The five (5) units shall be desegregative offers for at least five (5) of the twenty (20) applicants to whom the offer is made. Each applicant submits to MDHA a list of the units they will accept within five (5) business days.
- c. The unit will be given to the first eligible applicant who responds with an acceptance, based on the date and time the acceptance response is received; however, preference is given to desegregative acceptances. If the applicant does not accept

one (1) of the offers or does not respond to the offers within five (5) business days, he/she will be removed from the waiting list.

- d. If an applicant accepts one (1) of the units offered during the offer period, but the unit was assigned to another applicant based on the date and time of the acceptance response, he or she will receive additional offers, regardless of whether they are desegregative offers.
 - e. Subject to the process described above, any applicant who receives an offer shall be removed from the waiting list for the program for which he/she received that offer, except that an applicant on the Project-based Waiting List who demonstrates good cause (as defined in Section D.1 of this Chapter) for rejecting an offer shall remain on the list. An applicant shall not be removed from the waiting list for one program on the basis of the applicant's acceptance of an offer in another program. Applicants who are removed from the project-based waiting list because they refuse unit offers without good cause may not reapply until the next open registration period.
 - f. Offers of vacant units may be made to applicants that state a preference for a development in which their race does not predominate in advance of applicants higher up on the Project-based Waiting List and who have not stated a preference for a particular desegregative development. Applicants may not modify their preferences more than once a year.
 - g. An applicant who has accepted a tenant-based subsidy and subsequently receives an offer for project-based assistance during the first year of his/her lease, or an applicant who has accepted project-based assistance and subsequently receives an offer for a tenant-based subsidy during the first year of his or her lease, must comply with the term of his/her lease or arrange a mutually agreed upon termination of the lease with the owner, provided that during the period in which the applicant is fulfilling the term of the existing lease, the applicant shall retain his or her position on the waiting list for the other type of housing program.
 - h. The desegregative offer process as described herein may be amended with the agreement of all parties to the Decree.
3. In the selection of a family for a UFAS unit or a unit with accessible features, MDHA will give preference to current residents and then to applicant families that include a person with disabilities who can benefit from the unit features.
4. If more than one (1) unit of the appropriate size and type is available, the first unit to be offered will be the unit that is or will be ready for move-in first. "Ready for move-in" means the unit has no Housing Quality Standard deficiencies and is broom clean. If two (2) units are ready for move-in on the same day, the first unit to be offered will be the unit that became vacant first.

C. Removing Applicant Names from the Project-based Waiting List

1. To ensure vacant units are filled in a timely manner, MDHA needs a waiting list that is accurate. While each applicant is responsible for keeping MDHA apprised of changes in address, telephone number, income or other circumstances, no applicant shall be removed from the waiting list except when one of the following situations occurs:

- a. The applicant receives and accepts an offer of housing;
 - b. The applicant requests that his/her name be removed from the waiting list;
 - c. The applicant is rejected, either because he/she is ineligible for assisted housing at the time of certification, or because he/she fails to meet the applicant selection criteria;
 - d. The application is withdrawn because MDHA attempted to contact the applicant and was unable to do so, or the applicant did not respond to the offer, or the applicant does not accept an offer, except for good cause, as defined in Section D.1 below.
2. Persons who fail to respond to MDHA's attempts to contact them because of verified situations related to the disability of a household member shall be entitled to reinstatement to the waiting list as a reasonable accommodation to the household member with disabilities, upon the determination of MDHA's ADA Coordinator. Such reinstatements shall be to their former waiting list positions.
 3. Families whose applications are withdrawn or rejected may reapply for housing when the waiting list is open.
 4. All rejected applicants are entitled to a complete explanation of the reason for their rejection and may request an informal review, at which time they may present reasons why they should be reinstated to the waiting list (See Chapter IX - Grievance Policy, of this policy).

D. Good Cause for Applicant Refusal of Unit Offer

If an applicant does not accept the unit and presents clear evidence ("good cause") that acceptance of the offer of a suitable vacancy will result in undue hardship not related to considerations of race, color, sex, religion, national origin, ancestry, marital or familial status or sexual orientation, the applicant will not be removed from the list.

1. Examples of "good cause" for refusal of an offer of housing are:
 - a. The unit is not ready for move-in at the time of the offer of housing. "Ready for move-in" means the unit has no Housing Quality Standard (HQS) deficiencies and is broom clean. If an applicant refuses a unit because it is not ready for move-in, the applicant will be offered the next unit that is ready for move-in.
 - b. Inaccessibility to source of employment, education, or job training, children's day care, or educational program for children with disabilities, so that accepting the unit offer would require the adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.
 - c. The family demonstrates that accepting the offer will place a family member's life, health or safety in jeopardy. The family must provide specific and compelling documentation such as restraining orders, other court orders, or risk assessments from a law enforcement agency. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

- d. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (each as listed on final application) or live-in aide necessary to the care of the principal household member.
 - e. The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to the fifteen (15) days notice to move.
 - f. An elderly or disabled family makes the decision not to occupy or accept occupancy in designated housing.
- 2. If good cause is verified, the refusal of the offer shall not require the applicant to be removed from the waiting list or otherwise affect the family's position on the waiting list. The applicant will receive another housing offer upon unit availability.
 - 3. MDHA will maintain a record of units offered, including location, date, and circumstances of each offer, and each acceptance or refusal, including the reason for the refusal.

E. Administering the Applicant Waiting List

Applications for admission will be processed centrally. Initial intake, waiting list management, screening, and assignment of housing (including transfers) will be made from ALC. Offers may be made in person, or in writing.

F. Assisted Living Facilities

MDHA administers Assisted Living Facilities (ALFs) of zero (0) and one (1) bedroom units which combine the concepts of public housing and non-institutional facilities and provide programs and services for low-income elderly and frail persons. ALFs are regulated by Florida Statutes Chapter 400, Part III and Administrative Law 58A-5. Admission and continued occupancy of MDHA's ALFs are subject to the following requirements:

- 1. Applicants
 - a. Project-based Waiting List applicants interested in residing in an ALF must qualify in accordance to Chapter II, Section B of this policy and the ALF Admission Criteria detailed in item # 2 below.
 - b. ALF interested and qualified applicants will be selected from the Project-based Waiting List for zero (0) or one (1) bedroom units, in the ranking order obtained by the lottery system of such list. The Waiting List Management provisions contained in Chapter II, Section C of this policy applies to ALFs' applicants.
 - c. Unit offers to ALFs' interested and qualified applicants are subject to the Decree's requirement that MDHA make desegregative offers, where applicable.
- 2. ALF Admission Criteria
 - a. An ALF applicant must be a single person who is at least sixty two (62) years old, or two (2) persons, both of whom are at least sixty two (62) years old and living together, and who:

- b. Are Medicaid eligible (each individual). The individuals may receive the additional Optional State Supplement (OSS) income. The OSS check must be endorsed to the facility and the resident will be given a personal allowance on a monthly basis.
- c. Do not receive more than the specified ALF income limit per month, nor have more than the maximum funds allowed in a bank account (each individual) for ALFs. The income limit and maximum funds allowed might change annually;
- d. Are able to perform daily living activities without supervision or assistance;
- e. Are at risk of being prematurely placed in a nursing home;
- f. Do not require twenty-four (24) hour nursing supervision;
- g. Are not bedridden, and do not require licensed professional, mental health treatment; and
- h. Are free from communicable disease (except as indicated below) and are nonviolent.

The term "communicable disease" does not include Acquired Immune Deficiency Syndrome (AIDS), human immunodeficiency virus or any other communicable diseases, which are considered a disability. Persons with said disabilities are afforded protection from discrimination under State Federal, and local anti-discrimination Laws.

3. Transfers to ALFs

Requests of transfers to an ALF of existing interested and qualified residents of Project-based developments are subject to the provisions under Chapter V of this policy and the ALF Admission Criteria detailed in item # 2 above. Residents requesting transfers to an ALF will receive priority over applicants requesting to reside in an ALF.

4. ALFs Local Preference

ALFs' applicants and/or transferees are subject to the ranking preference established in Chapter II, Section F.5 of this policy.

IV. Leasing Policies

A. General Leasing Policy

1. All units must be occupied pursuant to the MDHA approved dwelling lease that complies with HUD's regulations.
2. The lease shall be signed by the head of household, spouse, and all other adult members of the household and by the site manager or other authorized representative of MDHA, prior to actual admission.
3. If a resident transfers from one MDHA unit to another, a new lease will be executed for the dwelling into which the family moves.
4. If at any time during the life of the lease agreement, a change in the resident's status results in the need for changing or amending any provision of the lease, either:
 - a. A new lease agreement will be executed, or
 - b. A Notice of Rent Adjustment will be executed, or
 - c. An appropriate rider will be prepared and made a part of the existing lease.
5. All copies of such riders or insertions are to be dated and signed by the resident and by the site manager or other authorized representative of MDHA.
6. Residents must advise MDHA if they will be absent from the unit for more than seven (7) consecutive days. Residents shall notify the site manager in writing, secure the unit, and provide a means for MDHA to contact the resident in an emergency. Failure to advise MDHA of an extended absence is grounds for termination of the lease.

B. Showing Units Prior to Leasing

1. Upon receipt of ALC offer letter, the applicant contacts the site manager to schedule an appointment to view the offered unit.
2. Once the unit is shown and the applicant accepts the unit and all required documentation is received from ALC, the site manager will execute a lease. If the applicant refuses the unit, a signed reason for refusal should be obtained from the applicant by ALC. ALC is responsible for making the "good cause" determination.
3. No lease will have an effective date before the unit is ready for occupancy.

C. Additions to the Household and Visitors

1. Only those persons listed on the most recent certification form and lease shall be permitted to occupy a dwelling unit;
 - a. Except for natural births to, or adoptions by, family members, or court awarded custody or other operation of law, any family seeking to add a new member must request approval in writing before the new member moves in.

- b. When a resident requests approval to add a new person to the lease, MDHA will conduct pre-admission screening of any proposed new adult member to determine whether the MDHA will grant such approval. Minor children for whom juvenile justice records are not made available or added through a formal custody award or kinship care arrangement are exempt from the pre-admission screening process, although the resident needs prior approval from MDHA to add children other than those born to, adopted by, or awarded by the court to the family.
 - c. MDHA will consider the request for approval and require documentation that the head of household has authorization to include a minor as part of the household. Court approved custody or guardianship is not the only mechanism for establishing that a head of household has authorization to include a minor. Changes to the family composition may also be allowed for families in which one (1) or more children less than eighteen (18) years of age live with the designee of the parent or legal custodian, with the parent or custodian's written consent. Documentation can include, but is not limited to, court documents, pre-need guardian, school records, other state and federal public assistance documentation, power of attorney, etc.
 - d. All persons listed on the most recent certification form and the lease must use the dwelling unit as their sole residence.
- 2. Examples of situations where the addition of a family or household member is subject to screening are:
 - a. Resident plans to be married and requests to add the new spouse to the lease;
 - b. Resident desires to add a new family member to the lease, employ a live-in aide, or take in a foster child(ren) over the age for which juvenile justice records are available;
 - c. A unit is occupied by a remaining family member(s) under age eighteen (18), who is not an emancipated minor, and an adult, not a part of the original household, requests permission to take over as the head of the household.
- 3. Residents who fail to notify MDHA of additions to the household or who permit persons to join the household without undergoing screening are in violation of the lease. Persons added without MDHA approval will be considered unauthorized occupants and the entire household will be subject to eviction.
- 4. Visitors may be permitted in a dwelling unit so long as they have no previous history of unacceptable or negative behavior on MDHA premises that would be a lease violation.
 - a. Visits in excess of a total of fourteen (14) days per year, whether or not consecutive, are not permitted, unless the resident obtains the advance written consent of the Public Housing Director or designee.
 - b. Visitors remaining beyond this period shall be considered unauthorized occupants and the head of the household shall be guilty of a breach of the lease.
- 5. Roomers and lodgers shall not be permitted to move in with any family. Violation of this provision is ground for termination of the lease.

6. Residents will not be given permission to allow a former resident of MDHA who has been evicted to occupy the unit for any period of time. Violation of this requirement is grounds for termination of the lease.
7. Family members over age seventeen (17) or emancipated minors who move from the dwelling unit to establish new households shall be removed from the lease.
 - a. The resident shall report the move-out within thirty (30) calendar days of its occurrence.
 - b. These individuals may not be readmitted to the unit and must apply as new applicant households for placement on the waiting list.
 - c. Medical hardship or other extenuating circumstances shall be considered by MDHA in making determinations under this paragraph.
8. Live-in Aide
 - a. MDHA will approve a written request for a live-in aide upon written verification that the elderly, near-elderly or disabled applicant's or program participant's family member requires the services of a live-in aide (for the Live-in Aide Verification form, refer to Appendix IV of this policy, Reasonable Accommodation Policies and Procedures). The live-in aide may live in the unit solely to care for the family member and qualifies for occupancy only for as long as the individual requires the supportive services and is living in the unit. MDHA shall deny occupancy of the unit to the live-in aide after the resident, for whatever reason, is no longer living in the unit.
 - b. A relative may be considered as a live-in aide, but must meet all the above criteria and be qualified to provide the care for the family member. The head of household and the live-in aide shall acknowledge that the live-in aide does not have any right to the unit and does not qualify for continued occupancy as a remaining family member by signing the Live-In Aide Agreement which shall become an addendum to the resident's lease (for the Live-In Aide Agreement form, refer to Appendix IV of this policy, Reasonable Accommodation Policies and Procedures).
 - c. Upon approval of the Public Housing Director, under extraordinary circumstances, relatives satisfying the definition of a live-in aide wanting to have remaining family status may be added to the family composition as a family member and not as a live-in aide. In such case, the relative's income will be considered in the family's annual income.
 - d. MDHA has the right to deny the request for any person, who does not meet the admission criteria described in Chapter II of the Admissions and Continued Occupancy Policy, to become a live-in aide. A criminal and sex offender background check of the proposed live-in aide shall be completed prior to his/her approval by MDHA.

D. Requirements for Posting Policies, Rules and Regulations

The following documents shall be maintained in the waiting area of every housing development management office, and/or posted on a large bulletin board:

- Admission and Continued Occupancy Policies (ACOP)
- Tenant Selection and Assignment Plan (included in ACOP)
- Directory of all housing developments including names, perimeter streets, number of units by bedroom size, number of units specifically designed for the elderly, addresses of management offices and office hours
- Income limits
- Utility allowances
- Dwelling Lease form
- Community Policies
- Current schedule of routine maintenance and other charges (included in Community Policies)
- Grievance Procedures (included in ACOP and Community Policies)
- Fair Housing poster
- "Equal Opportunity in Employment is the Law" poster
- Resident oriented notices
- Emergency telephone numbers for after hours and weekends
- Reasonable Accommodation Policies and Procedures document
- PHA Plan

V. Transfer Policy

A. General Transfer Policy

1. Transfers will be made without regard to race, color, national origin, sex, religion, marital or familial status, ancestry, disability or sexual orientation.
2. Under certain circumstances, residents may be transferred to accommodate a disability. However, every effort shall be made prior to the decision to transfer to accommodate the needs of disabled residents, including but not limited to making necessary modifications to their existing units and providing other forms of reasonable accommodations as detailed in MDHA's Reasonable Accommodation Policy and Procedures (see Appendix IV of this policy). MDHA shall offer these residents the option of remaining in their current unit while MDHA makes accessibility modifications in those circumstances where the unit modifications would not pose a health and safety risk to the current occupant(s); or, waiting to transfer, upon availability, to another unit that is accessible and meets the unit size requirement of the respective resident.
3. Residents will not be transferred to a dwelling unit of equal size, except to alleviate hardship of the resident or other undesirable conditions as determined by the Public Housing Director or designee.
4. Residents will receive one (1) offer of transfer, except another offer may be made for good cause. Refusal of that offer without good cause (refer to Chapter III, Section D of this policy) will result in lease termination for mandatory transfers or the removal of the household from the transfer list.
5. Whenever feasible, transfers will be made within the resident's development or the resident's area.
6. Transfers are not subject to the Decree's desegregative offer requirement.
7. Residents must be in good standing.
8. Residents may use the MDHA Grievance Procedure (Article IX of this policy) if they are refused the right to transfer or if MDHA is requiring them to transfer and they do not want to do so.

B. Types of Transfers

MDHA may encounter situations in which it is necessary to move residents from one unit to another. MDHA has four (4) types of transfers: 1) Emergency, 2) Serious/Urgent, 3) Occupancy Standards, and 4) Other Resident Initiated Transfers. Except for transfers of residents into Assisted Living Facilities (ALFs), the order in which families are transferred shall be subject to the priority by category set forth below:

1. Emergency Transfers: are mandatory for the residents when MDHA determines that conditions pose an immediate threat to resident life, health or safety. These transfers shall take priority over new admissions. Emergency transfers may be made to:
 - a. Permit repair of unit defects hazardous to life, health, or safety;

- b. Provide reasonable accommodations to persons with disabilities that lessen or eliminate immediate threats to life, health or safety;
 - c. Provide housing options to residents who are victims of hate crimes or extreme harassment.
- 2. Serious/Urgent Transfers: are mandatory transfers and shall take priority over new admissions. Serious/Urgent Transfers may be made to:
 - a. Remove residents who are witnesses to crimes and may face reprisals, or to protect members of the household from attack in a particular property or neighborhood;
 - b. Provide reasonable accommodation to persons with disabilities that lessen or eliminate impediments to program or activity access of a serious (but not life threatening) nature that persons encounter because of their disabilities;
 - c. Permit modernization or demolition of units;
 - d. Permit a family that requires a unit with accessible features to occupy such a unit, or another suitable unit, e.g., ground floor unit, as an accommodation to a resident's disability as described in Section C.4 of this Chapter; or
 - e. Alleviate other conditions of hardship as determined by MDHA.
- 3. Occupancy Standards Transfers: are mandatory transfers to correct overcrowded/under-occupied conditions. Occupancy Standard Transfers can be:
 - a. High Priority Occupancy Standards: If the family size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age four (4) would equal more than two (2) persons per bedroom. These transfers will take priority over new admissions.
 - b. Lower Priority Occupancy Standards: If the overcrowded/under occupied condition is not serious as described above, or if a family's size is between the smallest and largest size permissible, for the unit the family may request a transfer. Lower priority transfers shall not take priority over new admissions and are to be made at the discretion of the Public Housing Director or designee.
- 4. Resident Initiated Transfers: Any other unit transfer requested by the resident that is not out of necessity. The resident must present objective evidence ("good cause") that if the transfer is not made, it will result in undue hardship for the resident. These are considered non-mandatory transfers and do not take priority over new admissions. These transfers are to be made at the discretion of the Public Housing Director or designee.
 - a. Resident Initiated Transfers are transfers requested by the resident for reasons other than the ones described in items 1 through 3 above. However, if a resident requests a transfer that is determined by the site manager to be classified as Emergency, Serious/Urgent, or High Priority Occupancy Standard, as described above, the transfer request should be considered as such, unless determined to be otherwise by the Regional Manager or the 504/ADA Coordinator.

- b. Resident Initiated Transfers shall be approved by the Public Housing Director or designee. Examples of Residents Initiated Transfers are:
 - Hardship related to the ability of the resident or family member to retain his/her employment; or
 - To retain particular day care or medical services uniquely suited to the affected individual's needs.
- c. Assisted Living Facility (ALF) Transfers: These are transfers of interested and qualified residents of Project-based developments to an ALF, either recommended by the site manager or requested by the resident. Transfers to ALFs are not mandatory, but shall take priority over new admissions to ALFs. Persons requesting ALF transfers must qualify according to the ALF Admission Criteria stated in Chapter III, Section F and are subject to the ranking preference established in Chapter II, Section F. 5 (b) of this policy.

C. Processing Transfers

- 1. A centralized transfer waiting list will be administered by ALC. Except for reasonable accommodation transfers, all transfers must be approved by the Public Housing Director or designee before ALC admits them into the transfer waiting list. Transfers that are for providing reasonable accommodation to persons with disabilities, that are recommended for denial by the Regional Manager or designee, must be reviewed and approved by the 504/ADA Coordinator, in accordance with MDHA's Reasonable Accommodation Policies and Procedures document (Appendix IV of this policy).
- 2. Except for transfers of interested and qualified tenants into ALFs, transfers will be sorted into their appropriate categories by ALC staff. Transfer offers will be made in the following order of priority:
 - 1st. Emergency transfers;
 - 2nd. Serious/Urgent transfers;
 - 3rd. High priority occupancy standards;
 - 4th. Lower priority transfers.

Lower priority occupancy standards and Other Resident Initiated transfers are to be made at the discretion of the Public Housing Director.

Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received by ALC from Public Housing.

- 3. Overcrowded/Under-occupied transfers to correct occupancy standards must be recommended by the site manager at time of re-examination or interim re-determination, and must be approved by the regional manager.
- 4. Transfers to Uniform Federal Accessibility Standard Units
 - a. Transfers of residents with disabilities and placement of applicants with disabilities requiring UFAS -Accessible Units, or units with accessible features (as defined in Appendix I of this policy), will be centrally coordinated through MDHA's Section 504/ADA Coordinator's Office with the assistance of MDHA's Applicant and Leasing Center;

- b. When an accessible unit becomes available, the unit will first be offered to a current resident with disabilities in the same development who requires the accessibility features of the vacant, accessible unit and occupying a unit not having those features;
 - c. If there is no current resident in the same development who requires the accessibility features of the vacant, accessible unit, then the vacant, accessible unit will be offered to a resident with disabilities residing in another development who requires the accessibility features of the vacant, accessible unit;
 - d. If there is no current resident who requires the accessibility features of the vacant, accessible unit, then the vacant, accessible unit will be offered to an eligible, qualified applicant with disabilities on the waiting list who can benefit from the accessible features of the available, accessible unit;
 - e. If there is not an eligible, qualified resident or applicant with disabilities on the waiting list who wishes to reside in the available, accessible unit, then it will be offered to an applicant on the waiting list who does not need the accessible features of the unit. See 24 C.F.R. § 8.27. MDHA's *Conventional Public Housing Dwelling Lease* requires residents to relocate to a vacant, non-accessible unit within fifteen (15) days of notice by MDHA if there is an eligible applicant or existing resident with disabilities who requires the accessibility features of the unit.
5. When a head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a transfer until the child is two (2) years of age. Exceptions: spouse or partner returns to the unit, marriage takes place, or family decides to remain in the unit and the unit is large enough (using the smallest-unit standard) to accommodate the number of persons now in the household.
6. Split-family transfers are not permitted. Separation of households will be processed as follows:
- a. Resident-Initiated Separation of Households: Families that decide to separate because of divorce or inability to live under the same roof must identify the family member(s) who are willing to establish a new household. Such party may submit an application to be placed on the waiting list during open registration periods. The household member(s) who will be leaving the unit must do so within thirty (30) days of notification by MDHA. The remaining family member(s) may also be required to transfer to a smaller unit if the unit becomes under-occupied after one household moves out and there exist families on the waiting list for that size unit. Whenever a family cannot agree on which family member(s) remain in the unit, for example in a divorce case, MDHA will rely on the court decree.
 - b. If upon recertification, MDHA finds that a family composition has grown beyond the maximum bedroom size unit available in MDHA, whether the family was transferred or not to the maximum sized bedroom unit, the family must identify member(s) who are willing to establish a new household. Such party may submit an application for housing assistance during the open registration period. The household member(s) who are leaving the unit must do so within thirty (30) days of notification by MDHA. The remaining family members may also be required to transfer to a smaller unit if the unit becomes under-occupied after one (1) household moves out and there exist families on the waiting list for that size unit.

- c. MDHA may transfer a family to a larger unit in order to accommodate the addition of family members by birth. However, in order to maximize the use of scarce affordable housing and in consideration of applicants on the waiting list, transfers of families to separate units are not allowed.
7. Residents who wish to initiate a transfer must obtain and complete a Transfer Request form at the management office, sign it, and provide documentation supporting the necessity of the transfer.
8. Each household's size and composition is reviewed at annual recertification to determine whether the household has increased or decreased in size. To comply with the Occupancy Guidelines set forth in Chapter II, Section M, MDHA will place a family living in an inappropriate sized unit, whether under-occupied or overcrowded, on the transfer waiting list for an appropriate unit. The family will then be transferred to a unit with the appropriate number of bedrooms as it becomes available, subject to the requirements stipulated in Section B of this Chapter.
9. MDHA may transfer the resident living in Conventional Public Housing to a Section 8 New Construction unit. Transfer between a public housing unit and a Section 8 New Construction unit must be approved by the MDHA Director. Transfers between the Conventional Public Housing and the Section 8 Housing Choice Voucher program are not permitted. Eligible residents moving from one MDHA program to another MDHA program are residents in transition between programs (not transfers). The Residents in Transition Policies and Procedures are found in MDHA's Policy and Procedures Manual.
10. When a resident is allowed to transfer, the resident's name is placed on the transfer waiting list and will be given written notice to this effect.
11. All exceptions and consideration of mitigating circumstances must be approved by the MDHA Director or designee.

D. Administrative Requirements

1. All residents approved for transfers must have a current rent account with no outstanding balance and must leave the unit in a satisfactory condition. Requests for exceptions to this requirement based on disability will be considered on a case-by-case basis.
2. A family who has been approved for a transfer will be made one (1) offer of an appropriate size unit. At the time the offer is made if the family rejects the offer, a second offer can be made only for good cause.
3. Once a transfer assignment is made, the resident is required to move within fifteen (15) days of being notified, or face eviction proceedings.
4. All actions involving tenancy shall be associated with the Head of Household (HOH), including transfers, move-outs, or program changes (residents in transition). HOH and client number must be inseparable. If HOH changes, the adult household member who assumes the head must be certified with a new client number and history must be preserved for former HOH and client number.

E. Good Record Requirement for Transfers

1. In general, and in all cases of all resident-requested transfers, residents will be considered for transfers only if the head of household and any other family members:
 - a. have not engaged in criminal activity that threatens the health and safety of residents and staff;
 - b. do not owe back rent or other charges, or evidence a pattern of late payment;
 - c. meet reasonable housekeeping standards and have no housekeeping lease violations; and
 - d. can have utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).

Requests for exceptions to these requirements based on disability will be considered by MDHA's 504/ADA Coordinator on a case-by case basis:

2. Absent a determination of exception, the following policy applies to transfers:
 - a. If back rent is owed, the resident will not be transferred until a payment plan is established or, if prior payment plans have failed, the back rent is paid in full.
 - b. A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspection.
 - c. The resident must be in good standing and in compliance with the Lease and Community Policies.

F. Paying for Transfers

1. Costs associated with transfers that are mandated by MDHA (except occupancy standards) and transfers for reasonable accommodation will be paid in accordance with the Reasonable Accommodation Policies and Procedures (Appendix IV of this policy).
2. Residents will bear the cost of transfers to correct occupancy standards. However, where there is a hardship due to health or other factors, the site manager may recommend that families be reimbursed for out-of-pocket expenses for an occupancy standards transfer in an amount not to exceed a reasonable moving allowance established by MDHA. Residents who seek reimbursement must provide proof of their out-of-pocket expenses to MDHA, i.e. receipts. The Public Housing director or designee must approve the expense.

VI. Eligibility for Continued Occupancy, Annual Reexaminations and Remaining Family Members

A. Eligibility for Continued Occupancy

Residents who meet the following criteria will be eligible for continued occupancy:

1. Qualify as a “family” as defined in Appendix I of this policy.
2. Are in full compliance with the resident obligations and responsibilities as described in the dwelling lease.
3. Whose family members, age six (6) and older, each have Social Security numbers or have certifications on file indicating they have no Social Security number.
4. Who meet HUD standards on citizenship or immigration status or are paying a pro-rated rent.
5. Who are in compliance with MDHA's eight (8) hour per month community service requirements (applicable to public housing developments).

B. Remaining Family Members and Prior Debt

1. Remaining family members age eighteen (18) years or older will be held responsible for arrearages incurred by the former head or spouse. MDHA will not hold remaining family members (other than the head or spouse) responsible for any portion of the arrearage incurred before the remaining member attained age eighteen (18).
2. Remaining family members under age eighteen (18) shall not be held responsible for the rent arrearages incurred by the former head of household.

C. Reexamination (Recertification)

Due to MDHA's large project-based portfolio of units, the recertification schedule is determined by the development in which the household resides, rather than by the tenancy anniversary. After the initial move-in certification, some residents may be re-certified within the first year of tenancy due to the recertification schedule established for the development. In order to have the information available to adjust the rent, the initial request for re-certification will be started at least one hundred and twenty (120) days before the scheduled effective re-certification date.

1. Regular Recertifications: MDHA shall, at least once a year, re-examine the family composition and incomes of all resident families. The families paying Flat Rent shall have their incomes reexamined every three (3) years, but shall still be subject to annual reexamination of the family composition and the community service requirement.
2. Special Recertifications: When it is not possible to estimate family income accurately, a temporary determination will be made with respect to income and a special recertification will be scheduled every sixty (60) days until a reasonably accurate estimate of income can be made.
3. Interim recertification shall be conducted when:

- a. There is a change in the head of household that requires a remaining family member to take on the responsibilities of a leaseholder,
 - b. There is a change in the family composition or family income,
 - c. The family qualifies for an earned income disallowance and the 100% income disallowance period begins,
 - d. The rent is to be adjusted because the family is entering the 50% earned income disallowance period, and
 - e. The rent is to be adjusted because the 50% earned income disallowance period ends (refer to Article XII, Section F of this policy).
4. Zero Income Families: Unless the family has income that is excluded for rent computation, families reporting zero income will have their circumstances examined every sixty (60) days until they have a stable income. Monetary or non-monetary contributions from persons not residing in the dwelling unit for any purpose other than the payment or reimbursement of medical expenses shall be considered income.

D. Recertification Procedures

- 1. At the time of recertification, all adult members of the household will be required to sign an application for continued occupancy, the community service certification, if applicable, and other forms required by USHUD and MDHA.
- 2. Income, allowances, Social Security numbers, and such other data as is deemed necessary will be verified, and all verified findings will be filed in the resident's file.
- 3. Verified information will be analyzed and a determination made with respect to:
 - a. Eligibility of the resident as a family or as the remaining member of a family;
 - b. Unit size required for the family (refer to the Occupancy Guidelines on Chapter II, Section M); and
 - c. Rent the family should pay
 - d. Compliance with the Community Service Requirements (public housing residents only)
- 4. MDHA may access criminal justice records of any household members with the purpose of determining continued assistance under the program, at recertification and at any time MDHA deems it necessary.
- 5. Residents with a history of employment, but are unemployed at recertification, will have income anticipated based on past and anticipated employment in accordance with, and where permitted by federal regulations. Residents with seasonal or part-time employment of a cyclical nature will be asked for third party documentation of their employment including start and ending dates.

6. Income shall be computed in accordance with the definitions and procedures set forth in Federal regulations and this policy.
7. Families failing to respond to the initial recertification appointment will be issued a final appointment within the same month. Failure to respond to the final request will result in the family being sent a notice of lease violation and referred to the Regional Manager for termination of the lease.
8. Enterprise Income Verification (EIV) and third party verifications are the most desirable forms of verification of the information provided by the resident at recertification. USHUD's EIV system is the preferred form of income verification. If the EIV information matches the resident-provided income, or if not substantially different, then third party verifications are not necessary. If the EIV system is not available or if the information is substantially different to the resident-provided information, then written verification from third parties is the next most desirable form of verification.
 - Currently, a substantial difference requiring third party verification is defined as being greater than \$200 per month or \$2,400 per year, unless amended by MDHA.
 - In cases of fraud uncovered by EIV, MDHA, in its sole discretion, may recommend terminating assistance of the participant family and forward the case to the Office of Inspector General for fraud prosecution, where authorized by MDHA's Director or designee.
 - The EIV information can not be accessed unless a current (unexpired) Authorization to Release Information (HUD Form 9886) is on file. This form must be signed by all adult family members and expires fifteen (15) months after it is signed.
 - Tenant income information derived from the EIV system is confidential and cannot be released to outside parties or unauthorized staff. This information is exempt from the Florida Sunshine Law and is required by HUD to be kept private under penalty of Federal law. Any EIV derived information is required to be kept guarded under lock and key and must be shredded and destroyed when no longer needed. Copies are not be kept in tenant files to avoid risking the release of such information to anyone other than the client and authorized MDHA staff. Unauthorized disclosure or inspection of EIV data can result in a felony conviction punishable by a fine up to \$5000 and/or 5 years imprisonment, as well as civil penalties. (Privacy Act of 1974 as amended, 5 U.S.C § 552(a)).
9. Recertification procedures also apply in the event residents are under the eviction or termination process. The recertification is not an offer of extension of the lease agreement and does not constitute a waiver of such eviction or termination proceeding.

E. Temporary Rent

The resident may not be able to be recertified due to temporary absence from the unit due to a hospital stay, or instability in the family income or composition. Thus, it may not be possible to determine and verify family income by the scheduled recertification date. In such case the following steps shall be followed:

1. A temporary rent will be established based on the most recent information supplied by the family.
2. The resident will be notified in writing with a "Temporary Rent Notice" that payments of rent based on the unverified report of anticipated annual income are to be made pending verification of family income.
3. The appropriate rent when established will be effective from the scheduled recertification date and the resident will be charged for any balance due, or credited with any overpayment, resulting from payment of the temporary rent.
4. The temporary rent period shall be for thirty (30) days from the established recertification date and can be extended for additional thirty (30) days while income is being verified, not to exceed a total of 90 days.
5. At the conclusion of the temporary rent period, the temporary rent status shall expire and the appropriate rent established.

F. Action Following Recertification

1. If there is any change in rent, a Notice of Rent Adjustment is sent to the resident notifying the amount and the effective date of the new rent. If there is a change in the family composition, a lease addendum is executed by the head of household and the new family members.
2. If any change in the unit size is required, the resident will be placed on a transfer list in accordance with the transfer criteria described on Chapter V this policy and moved to an appropriate unit when one becomes available, subject to the requirements stipulated in the transfer policy section and approved by the Public Housing Director or designee, where required.

VII. Interim Rent Adjustments

A. Adjusting Rent between Regular Recertification

Rent is re-determined between annual recertifications when a resident undergoes a change in family composition or income.

1. Family composition changes. The resident must report and provide verification of those changes which involve the loss or gain of a family member. An increase due to additions to the family by birth, adoption, or by operation of law, or a decrease in family size may result in a change in the Tenant Rent. Family size changes must be reported within ten (10) days of the status change.
2. Family income changes
 - a. Residents must report within ten (10) days of occurrence a change in income as follows:
 - Changes of \$40 or more per month for residents of Public Housing developments, pursuant to the dwelling lease.
 - Changes of \$200 or more per month for residents of County-owned Section 8 New-Construction developments, pursuant to the dwelling lease.
 - Other changes stipulated in the dwelling lease.
 - b. The resident may request an interim adjustment of rent as a result of a decrease or loss of income that will be for a period longer than thirty (30) days. If as a result of any interim change the rent is decreased, the resident must report, and provide verification of, all subsequent changes in income and family composition as they occur until their next scheduled annual recertification. The resident's rent will be adjusted in accordance with Federal regulations.
 - c. As long as information regarding family status changes is reported in a timely manner by the family, increases in rent will be made effective the first day of the second month following the month in which the change is reported and proper verification completed. Decreases in rent will be made effective the first day of the month following the month in which the change is reported and proper verification completed.
3. For residents of Public Housing developments (excluding Section 8 New Construction developments) who qualify for Earned Income Disallowance (EID) (refer to Chapter XII, Section F of this policy):
 - a. The family qualifies for the disallowance of increase in earned income, and the first 12-month period of 100% income disallowance begins.
 - b. At the end of the first 12-month period of 100% income disallowance, an adjustment of the rent shall be made for the second 12-month period to factor a 50% income disallowance.
4. Misrepresentation by the resident

- a. If it is found that the resident has misrepresented facts to MDHA so that rent being paid is less than should be charged, then the increase in rent shall be retroactive to the first of the month following the effective date of the change in income. In justifiable cases, MDHA may take such action as it deems advisable in accordance with federal or Florida law, including but not limited to termination of assistance and eviction.
- b. Decreases in income resulting from welfare fraud or from welfare cuts for failure to comply with economic self sufficiency requirements are not eligible for rent reductions (imputed welfare income).

VIII. Lease Termination Procedures

A. General Policy: Lease Termination

The Lease may be terminated by MDHA in compliance with USHUD regulations and in accordance with the provisions contained within the Public Housing or the Section 8 New Construction Lease (Lease) and/or Chapter 83, Part 2, of the Florida Statutes.

The Lease may be terminated by the resident not earlier than at the end of the first year by giving thirty (30) days written notice and upon compliance with all applicable procedures to properly vacate the unit and to depart in good standing.

MDHA shall have the right to terminate or refuse to renew the Lease for failure by the resident to fulfill his/her obligations set forth in the Lease agreement and for serious or repeated violations by the resident of one (1) or more of the material terms of the Lease. The following causes for termination contained in the Lease include but may not be limited to:

1. Failure by the resident or any member of his/her household to fulfill his/her obligations outlined under the Articles of the Lease, the Community Policies, or Tenant Rules and Regulations, and any addenda or amendments to the Lease, Community Policies or Tenant Rules and Regulations.
2. For Public Housing residents, a violation by the resident or any member of his/her household of one (1) or more terms of the Lease. For Section 8 New Construction residents, the tenant's material non-compliance with the terms of the Lease.
3. The denial of service, disconnection or shutting off of utilities that the resident is responsible for paying.
4. Violation of the One Strike rule for any drug-related criminal activity, violent criminal activity, or non-violent criminal activity, whether on or off the premises, committed by the resident, any member of his/her household, a guest or a person under the control of the resident, that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of MDHA. Any such criminal activity, even in the absence of an arrest or a conviction, shall be cause for termination of tenancy, and for eviction from the dwelling unit:
 - a. Drug-related criminal activity shall include: illegal possession, manufacture, sale, distribution, use and/or possession with intent to manufacture, sell, distribute, or use, a controlled substance; and
 - b. Violent criminal activity shall include: any criminal activity that has as one (1) of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, non-trivial bodily injury or property damage.
 - c. A fugitive felon or parole violator after conviction of a crime or attempt to commit a crime is considered a person that threatens the health, safety and right to peaceful enjoyment of the premises by other residents or employees of MDHA.

5. If the non-violent criminal activity does not threaten the health, safety or right to peaceful enjoyment of the residents, after a warning has been issued, any subsequent warning regarding the same individual shall be considered a violation of the lease.
6. A record of two (2) or more incidents of alcohol abuse or pattern of abuse when the record or pattern of abuse poses a direct threat to the health or safety of others shall be considered a violation of the lease.
7. Failure by the resident to report to any recertification interview or provide verification of any information required by MDHA.
8. Discovery of material false statements in connection with information provided at application or recertifications, or fraud committed by the resident in connection with any federally assisted housing program.
9. For Public Housing residents only, failure to comply with Federal, State or local public assistance program requirements related to work activities, community service and self-sufficiency requirements.
10. The issuance of three (3) or more 14-day notices of termination for non-payment of rent in any twelve month period.
11. If the resident or any member of his/her household, a guest or a person under the resident's control, engages in the illegal use, or threatened use of or display of firearms, fire bombs or other weapons on MDHA property.
12. If the conduct of the resident, any member of his/her household, a guest or a person under the resident's control, is such that there is a likelihood that his or her presence on the premises may lead to personal injury or property damage.
13. For Public Housing residents, if school-age children do not attend school regularly and are absent more than fifteen (15) unexcused days within any 90-day period of a given school year except in instances of death, serious illness or injury, or the child who attains the age of sixteen (16) years files a formal declaration of intent to terminate school enrollment with the School Board.
14. Serious or repeated damage to the dwelling unit, creation of physical hazards in the unit, common areas, grounds, or parking areas.
15. Any fire on the premises caused by carelessness, failure to supervise children or unattended cooking.
16. If the resident, any member of his/her household, a guest or a person under the resident's control threatens, obstructs or interferes with a MDHA employee or any government official conducting official business on or around the premises.
17. The resident refuses to accept MDHA's proposed change(s) to the Lease.
18. If the resident's continued occupancy repeatedly interferes with, or is counter to County policies, or if the Lease has expired and has not been renewed.

B. Consideration of Mitigating Circumstances

1. Prior to MDHA's decision to terminate assistance for criminal activity or for any activity that threatens the health, safety or right to peaceful enjoyment of the premises by other residents, MDHA may consider all circumstances relevant to a particular case, such as the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, the effects that the eviction would have on family members not involved in the offending activity and the extent to which the leaseholder has shown personal responsibility and has taken all reasonable steps to prevent or mitigate the offending action.
 - a. Upon determination by the Public Housing Director or designee, MDHA may require a tenant to exclude a household member in order to continue to reside in the assisted unit, where that household member has participated in or been culpable for the action or failure to act that warrants termination. If MDHA's Public Housing Director or designee determines that the tenant may continue to reside in the unit by excluding the household member who participated in or was culpable for the action or failure to act warranting termination, MDHA will terminate the tenant's tenancy if another household member commits a criminal activity warranting termination within five (5) years of the first offending activity.
 - b. Upon determination by the Public Housing Director or designee, MDHA, in its decision whether to terminate tenancy for illegal drug use or a pattern of illegal drug use by a household member who is no longer engaging in such use, or for abuse or a pattern of abuse of alcohol by a household member who is no longer engaging in such abuse, may consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program, or has otherwise been rehabilitated successfully. For this purpose, MDHA shall require the tenant to submit evidence of the household member's current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

C. Notice Requirements

If the MDHA proposes to terminate the Lease, the termination of the Lease shall be by Federal and State law as follows or as may be amended in the future:

1. MDHA shall give the applicable written notice of termination (14-day Notice of Termination for Non-payment of Rent), if said termination is caused by resident's failure to pay rent. Such notice shall not be sent until the rent is delinquent in accordance with the Lease.
2. MDHA shall give seven (7) days written notice of termination for serious violations of the Lease.
3. MDHA shall give thirty (30) days written notice of termination in any other case or cause.
4. The notice of termination to the resident shall state the reasons for termination; shall inform the resident of his/her right to make such reply, settlement, and/or request for a hearing in accordance with MDHA policy, if applicable.

D. Recordkeeping Requirements

A written record of every termination and/or eviction shall be maintained by MDHA, and shall contain the following information:

1. Name of resident, race and ethnicity, number and identification of unit occupied;
2. Date of the Notice of Lease Termination and any other state or local notices required, which may be on the same form and run concurrently;
3. Specific reason(s) for the Notice(s), with section of the lease violated, and other facts pertinent to the issuing of the Notice(s) described in detail;
4. Date and method of notifying resident; and
5. Summaries of any conferences held with resident including dates, names of conference participants and conclusions.

Such records may be maintained electronically.

IX. Grievance Policy

Applicants of Public Housing and Section 8 New Construction programs have the right to obtain an informal review and current residents have the right to request an administrative hearing, when required by federal regulations, regarding MDHA's action or failure to act which has an adverse effect on the individual resident's rights, duties, welfare or status.

A. Applicant's Informal Reviews

Applicants denied program participation or removed from the waiting list shall be entitled to an informal review conducted by MDHA. Applicants will be notified of such determination in writing, generally at the time of their initial certification appointment.

The process described in MDHA's Reasonable Accommodation Policy and Procedures document (Appendix IV of this policy) will be followed for applicants denied reasonable accommodation requests. Further, this document describes the process that must be followed by the hearing officer if he/she becomes aware during the informal review that an applicant's ineligibility determination occurred because of the applicant's disability.

It is an applicant's responsibility to notify ALC when there is a change in address.

1. Processing Removals

- a. An applicant who is determined ineligible for housing program benefits, shall be notified in writing that his/her name will be removed from the waiting list unless he/she requests an informal review by contacting MDHA within thirty (30) days of the notice. The applicant or mobility pool member whose mail is returned by the post office will be automatically withdrawn from the waiting list.
- b. Applicants or mobility pool members who have been removed from the waiting list for failing to respond to notices calling him/her in for processing may, within one (1) year of being removed from the waiting list, request an informal review seeking reinstatement to his/her original place on the waiting list.
- c. If MDHA proposes to deny admission on the basis of a criminal record, MDHA will provide the family member with the criminal record and the head of household with a copy of the criminal record upon request either before or at the informal review and provide an opportunity to dispute the accuracy and relevance of that record. The applicant or mobility pool member will have thirty (30) calendar days to dispute the accuracy and relevance of the record in writing. If MDHA does not receive the dispute within the allotted time, the applicant or mobility pool member will be denied participation and his/her name removed from the waiting list.

2. Requesting an informal review

Applicants may request an informal review in writing to the address or fax number indicated on the adverse action letter. The request must be made within thirty (30) days from the date of the notice. MDHA will schedule the review for the next available hearing date and forward written notification to the applicant.

3. Informal Review Procedures

- a. The informal review will be conducted by a hearing officer or other designated MDHA staff that shall listen to testimony or other evidence that the applicant may wish to present. When feasible, the hearing officer's decision will be made in writing, within thirty (30) calendar days of the review.
- b. The decision of the hearing officer shall be final. In extenuating circumstances, the MDHA Director may modify the decision of a hearing officer. The hearing officer's decision, however, shall not abridge any other rights the participants have under law.
- c. Applicants who have not completed application forms as instructed in the Housing Application Instructions will not be processed and their names will not be placed on the waiting list. Applicants in this situation will not be offered an informal review.

B. Procedure for Obtaining an Administrative Hearing for Public Housing Residents

- 1. Residents of Public Housing developments, who desire a hearing, must submit a written request to the MDHA's representative within five (5) business days of receiving a notice of proposed adverse action. The written request must specify:
 - a. The reason(s) for the grievance or content of MDHA's proposed action; and
 - b. The action or relief sought.

The process described in MDHA's Reasonable Accommodation Policy and Procedures (Appendix IV of this policy) will be followed for residents denied reasonable accommodation requests. Further, this document describes the process that must be followed if the hearing panel becomes aware that the reason for the termination of assistance or other adverse action occurred because of the resident's disability.

- 2. In the event of a dispute regarding rent amount, before the hearing is scheduled the resident shall pay an escrow deposit in the same amount of rent due and payable as of the first of the month preceding the month in which the act or failure to act took place. The complainant should thereafter deposit the same amount monthly in the escrow account until the complaint is resolved by decision of the hearing officer or hearing panel.
 - a. The escrow deposit requirement may be waived by MDHA in extenuating circumstances, and where required by financial hardship exemption from minimum rent (refer to Chapter XII, Item E.4 of this policy), or welfare benefits reduction in calculation of family income, for the portion of the rent attributable to the imputed welfare income (see definition on Appendix I of this policy).
 - b. Unless so waived, the failure to make such payments shall result in a termination of the rights to grievance procedure and all sums will immediately become due and payable under the lease.
- 3. A hearing may be held via telephone conference in situations where a health condition or portability prevents any of the parties from attending the hearing in person. Hearings held by telephone conferences are not allowed simply for the convenience of any of the

parties. Any other reasons for telephone conference hearings shall be at the discretion of the hearing office supervisor.

C. Exclusions

The following items are excluded from the Grievance Policy according to federal regulations:

1. Lease termination or eviction for criminal activity that threatens the health, safety, or right to peaceful enjoyment of the premises by other residents or employees of MDHA;
2. Lease termination or eviction for One Strike rule violations, for drug-related criminal activity on or off MDHA owned, managed or controlled housing, office, warehouse or other property;
3. Class action grievances and policy issues.
4. Enterprise Income Verification (EIV) data. EIV wages data discrepancies must be clarified through third party verifications. For EIV Social Security Administration (SSA) benefit discrepancies, MDHA should request the resident to obtain a current, original SSA benefit letter within 10 business days of the interview day.

D. Hearing Panel

1. The Hearing Panel consists of three (3) persons:
 - a. A MDHA employee appointed by the MDHA Director or designee, but such employee may not be the public housing or Section 8 New Construction site manager or a member of his/her staff from the development at which the resident submitting the grievance resides;
 - b. A resident representative nominated by the appropriate Regional Chairperson for the Overall Tenant Advisory Council (OTAC); and
 - c. A resident representative nominated by the Resident Council of the development in which the complainant resides.

If OTAC or the Resident Council fails to nominate their respective panel member, the MDHA Director or designee may select a resident or a staff member but not the site manager or his/her staff at the development where the complainant resides.

E. Hearing

1. The parties may be represented by legal counsel or another person chosen as a representative.
2. Prior to the hearing, the resident may examine and copy at his/her expense all documents, records, and regulations of MDHA that may be relevant to the hearing, unless otherwise prohibited by law. In the event, MDHA does not provide the resident with a copy of his or her file prior to the hearing, MDHA is prohibited from relying on the contents of the file at the hearing as set forth in the federal regulations.

3. If the resident fails to appear at a scheduled hearing, except for verifiable good cause, the resident is in automatic default and the decision rendered by the Grievance Panel in his/her absence shall be final.
4. At the hearing, the resident must first show entitlement to the relief sought. Thereafter, MDHA has the burden of justifying MDHA's action, or failure to act, at which the complaint is directed.
5. Oral or documentary evidence pertinent to the facts and issues raised by the complainant may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings.
6. The MDHA employee appointed to the Hearing Panel by the MDHA Director, acting as the Chairperson of the Grievance Panel, shall require MDHA, the resident, Resident Counsel, and other participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the Chairperson may result in exclusion from the proceedings; in a decision adverse to the interest of the disorderly party; and granting or denial of the relief sought, as appropriate.

F. Decision of the Hearing Panel

1. The decision of the Hearing Panel shall be based solely and exclusively upon the facts presented at the hearing and upon applicable County and Federal regulations and requirements. This decision shall be in writing by the chairperson of the Grievance Panel specifying the reasons thereof, within fourteen (14) calendar days of the hearing. A copy of the decision must be forwarded to the resident and another copy to the management office to be filed in the resident's records.
2. A decision by the Grievance Panel in favor of MDHA, or which denies the relief sought by the resident in whole or in part, shall not constitute a waiver of or affect in any manner whatever, the resident's rights to trial de novo or judicial review in any judicial proceeding which may thereafter be brought in the matter.
3. The decision of the hearing officer shall be final. In extenuating circumstances, the MDHA Director may modify the decision of a hearing officer. The hearing officer's decision, however, shall not abridge any other rights the participants have under law.

X. Utilities and Maintenance Charges

A. Utilities

This section establishes the procedures for utility allowances for resident-purchased utilities in public housing developments. Utilities are defined as electricity, gas, water and sewer. Telephone and cable television are not considered utilities under this policy.

1. Standard for utility consumption allowances:

- a. MDHA shall establish for each development, by bedroom size, a consumption allowance which will afford a reasonable consumption of utilities by an energy conservative household of modest circumstances consistent with the requirement of a safe, sanitary and healthful living environment. The consumption allowance shall be a uniform monthly amount based on an average monthly utility requirement for a year.

2. Review and revision of allowance:

- a. Annual review: MDHA shall review the utility allowances annually or in accordance with federal regulatory requirements and shall adjust the amount of utility allowance if necessary to reflect changes in utility rates and/or utility consumptions.
- b. Interim revision due to rate changes: MDHA may revise its utility allowances for resident-purchased utilities between annual reviews if there is a rate change (including fuel adjustments). MDHA is required to do so if a rate change, by itself or together with prior rate changes not adjusted for, results in a change of 10% or more from the rates on which such allowances were based.
- c. Schedule of Utility Allowances: Schedules of utility allowances for each development are posted on the bulletin board in each development office and will be made available to the resident upon request.
- d. Relief from excess consumption: Residents may request relief from excess utility consumption if the request is based on medical needs of the elderly, ill or disabled resident or for special factors affecting utility usage not within the control of the resident.

B. Maintenance Charges

1. This section establishes the procedures for maintenance charges in Public Housing and Section 8 New Construction developments.

- a. Schedules of maintenance charges are posted in the development offices and will be made available to residents upon request.
- b. Residents will be charged for material and services at the price list in effect at the time of repair for intentional damages or damages caused by negligence of the residents.

- c. MDHA will notify the resident by mail or in person of any maintenance charges for which he/she will be billed, and his/her rights to request a hearing under the grievance procedure.
 - d. At the resident's request for a hearing, the charges will not become due until the grievance process has been completed.
2. Move-Out Charges:
- a. Upon the move out inspection, residents will be held responsible for all damages beyond normal wear and tear to the unit and appliances.
 - b. Damages beyond normal wear and tear not repaired will be charged to the resident's security deposit and if necessary the resident's account at the time of move-out. The price list in effect at the move-out will be utilized to price labor and materials.

XI. Flat Rents

Flat Rents are market-based rents. Flat Rents vary by unit size and type and also by development location. Flat Rents represent the actual market value of MDHA's Public Housing units. ALC must offer new admissions to Public Housing developments a choice of paying a flat or income-based rent at the time of admission. Further, once each year, at the annual recertification, all Public Housing residents are offered the choice of paying the Flat Rent or income-based rent. The Flat Rent does not apply to residents of Section 8 New Construction developments.

A. Development of Flat Rents

MDHA will take into consideration the following information in developing its Flat Rent schedule:

- Rents of non-assisted rental units in the immediate neighborhood
- Size of MDHA's units compared to non-assisted rental units from the neighborhood
- Age, type of unit and condition of MDHA's units compared to non-assisted rental units from the neighborhood
- Land use in the surrounding neighborhood
- Amenities (childcare, laundry facilities, playgrounds, community rooms, social services, education/job training programs, etc.) at MDHA's properties and in the surrounding neighborhood
- Crime in MDHA's developments and the surrounding neighborhood
- Quality of local schools serving each MDHA development
- Availability of public transportation at each MDHA development and
- Availability of accessible units for persons with mobility impairments

B. Annual Update of Flat Rents

MDHA shall review the Flat Rent structure annually and adjust the rents as needed. When a Public Housing resident chooses Flat Rent, his/her rent shall be adjusted only at the next regular recertification rather than at the point the Flat Rent may change.

C. Recertification of Families on Flat Rents

Public Housing residents paying Flat Rents are required to recertify income every three (3) years, rather than annually. However, such residents are still required to participate in an annual recertification for any changes in the family composition, to ensure that unit size is still appropriate, and to check compliance with the community service requirements, if applicable.

XII. Determining Income and Income-Based Rent

A. Annual Income

Annual income is the anticipated total income from all sources, including net income derived from assets, received by the family head and spouse (even if temporarily absent) and by each additional family member including all net income from assets for the 12-month period following the effective date of initial determination or recertification of income, exclusive of income that is temporary, nonrecurring, or sporadic as defined below, or is specifically excluded from income by other federal statute. Annual income includes but is not limited to:

1. The full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services;
2. The net income from operation of a business or profession, including any withdrawal of cash or assets from the operation of the business. Expenditures for business expansion or amortization of capital indebtedness shall not be used as deductions in determining the net income from a business. An allowance for the straight line depreciation of assets used in a business or profession may be deducted as provided in the Internal Revenue Service (IRS) regulations. Withdrawals of cash or assets will not be considered income when used to reimburse the family for cash or assets invested in the business;
3. Interest, dividends, and other net income of any kind from real or personal property. Expenditures for amortization of capital indebtedness shall not be used as deductions in determining net income. An allowance for the straight line depreciation of real or personal property is permitted. Withdrawals of cash or assets will not be considered as income when used to reimburse the family for cash or assets invested in the property. If the family has net family assets in excess of \$5,000, annual income shall include the greater of the actual income derived from all net family assets or a percentage of the value of such assets based on the current passbook savings rate as determined by USHUD;
4. The full amount of periodic payments received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts (See paragraph B (14). below for treatment of delayed or deferred periodic payment of social security or supplemental security income benefits);
5. Payments in lieu of earnings, such as unemployment and disability compensation, worker's compensation, and severance pay (See paragraph B (3) below concerning treatment of lump sum additions as family assets);
6. All welfare assistance payments (Temporary Assistance to Needy Families, General Assistance) received by or on behalf of any family member;
7. Periodic and determinable allowances, such as alimony and child support payments, and regular cash and non-cash contributions or gifts received from agencies or persons not residing in the dwelling made to or on behalf of family members; and

8. All regular pay, special pay, and allowances of a family member in the Armed Forces. (See paragraph B (7). below concerning pay for exposure to hostile fire.)

B. Items Not Included in Annual Income

Annual Income does not include the following or as may be amended by federal regulations:

1. Income from the employment of children (including foster children) under the age of 18 years;
2. Payments received for the care of foster children or foster adults (usually individuals with disabilities, unrelated to the resident family, who are unable to live alone);
3. Lump sum additions to family assets, such as inheritances, insurance payments (including payments under health and accident insurance, and worker's compensation), capital gains, onetime lottery winnings, and settlement for personal property losses (but see paragraphs A (3) and (4) above if the payments are or will be periodic in nature); (See paragraph (14). below for treatment of delayed or deferred periodic payments of Social Security or Supplemental Security Income benefits).
4. Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member;
5. Income of a live-in aide, provided the person meets the definition of a live-in aide (See Appendix I of this policy);
6. The full amount of student financial assistance paid directly to the student or the educational institution;
7. The special pay to a family member serving in the Armed Forces who is exposed to hostile fire;
8. Certain amounts received that are related to participation in the following programs:
 - a. Amounts received under USHUD funded training programs (e.g. Step-up program: excludes stipends, wages, transportation payments, child care vouchers, etc. for the duration of the training);
 - b. Amounts received by a person with disabilities that are disregarded for a limited time for purposes of Supplemental Security Income and benefits that are set aside for use under a Plan to Attain Self-Sufficiency (PASS);
 - c. Amounts received by a participant in other publicly assisted programs that are specifically for, or in reimbursement of, out-of-pocket expenses incurred (special equipment, clothing, transportation, child care, etc.) to allow participation in a specific program;
 - d. Effective June 1, 2004 and while in effect, exclude from annual income the \$600 transitional assistance subsidy (credit) for elderly and disabled applicants and tenants enrolled in the Medicare Discount Card transitional assistance program,

- e. A resident services stipend. A resident services stipend is a modest amount (not to exceed \$200/month) received by a public housing resident for performing a service for MDHA, on a part-time basis, that enhances the quality of life in public housing. Such services may include but are not limited to, fire patrol, hall monitoring, and resident initiatives coordination. No resident may receive more than one such stipend during the same period of time;
 - f. Incremental earnings and/or benefits resulting to any family member from participation in qualifying state or local employment training program (including training programs not affiliated with the local government), and training of family members as resident management staff. Amounts excluded by this provision must be received under employment training programs with clearly defined goals and objectives, and are excluded only for a limited period as determined in advance by the PHA;
- 9. Temporary, non-recurring, or sporadic income (including gifts);
 - 10. Reparation payments paid by foreign governments pursuant to claims filed under the laws of that government by persons who were persecuted during the Nazi era;
 - 11. Earnings in excess of \$480 for each full-time student eighteen (18) years old or older (excluding the head of the household and spouse);
 - 12. Adoption assistance payments in excess of \$480 per adopted child;
 - 13. The incremental earnings and benefits to any Public Housing resident (excluding Section 8 New Construction developments) whose 1) annual income increased due to employment of a family member who was unemployed for one (1) or more years previous to employment; or 2) annual income increases as the result of increased earnings by a family member during participation in any economic self-sufficiency or other job training program; or 3) annual income increases due to new employment or increased earnings of a family member during or within six (6) months of receiving state-funded assistance, benefits or services, will not be included during the exclusion periods (see Section F of this Chapter for additional details).
 - 14. Deferred periodic payments of supplemental security income and social security benefits that are received in a lump sum payment;
 - 15. Amounts received by the family in the form of refunds or rebates under state or local law for property taxes paid on the dwelling unit;
 - 16. Amounts paid by a state agency to a family with a developmentally disabled family member living at home to offset the cost of services and equipment needed to keep the developmentally disabled family member at home;
 - 17. Amounts specifically excluded by any other federal statute from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under the United States Housing Act of 1937. A notice will be published by USHUD in the Federal Register identifying the benefits that qualify for this exclusion. Updates will be published and distributed when necessary.
 - 18. The following is a list of benefits excluded by other federal statute:

- a. The value of the allotment provided to an eligible household for coupons under the Food Stamp Act of 1977 [7 USC 2017 (h)];
- b. Payments to volunteers under the Domestic Volunteer Service Act of 1973 [42 USC 5044 (g), 5088]. Examples of programs under this Act include but are not limited to:
 - The Retired Senior Volunteer Program (RSVP), Foster Grandparent Program (FGP), Senior Companion Program (SCP), and the Older American Committee Service Program;
 - National Volunteer Antipoverty Programs such as VISTA, Peace Corps, Service Learning Program, and Special Volunteer Programs;
 - Small Business Administration Programs such as the National Volunteer Program to Assist Small Business and Promote Volunteer Service to Persons with Business Experience, Service Corps of Retired Executives (SCORE), and Active Corps of Executives (ACE).
- c. Payments received under the Alaska Native Claims Settlement Act [43 USC.1626 (a)];
- d. Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes [(25 USC. 459e);
- e. Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program [42 USC 8624 (f)];
- f. Payments received under programs funded in whole or in part under the Job Training Partnership Act [29 USC 1552 (b)] ;
- g. Income derived from the disposition of funds of the Grand River Band of Ottawa Indians [Pub. L. 94-540, 90 Stat 2503-04];
- h. The first \$2,000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the Court of Claims (25 USC 1407-08), or from funds held in trust for an Indian Tribe by the Secretary of Interior [25 USC 117b, 1407]; and
- i. Amounts of scholarships funded under Title IV of the Higher Education Act of 1965 including awards under the Federal work-study program or under the Bureau of Indian Affairs student assistance programs [20 USC 1087 uu]. Examples of Title IV programs include but are not limited to: Basic Educational Opportunity Grants (Pell Grants), Supplemental Opportunity Grants, State Student Incentive Grants, College Work Study, and Byrd Scholarships.
- j. Payments received from programs funded under Title V of the Older Americans Act of 1965 [42 USC 3056 (f)]. Examples of programs under this act include but are not limited to: Senior Community Services Employment Program (CSEP), National Caucus Center on the Black Aged, National Urban League, Association National Pro Personas Mayores, National Council on Aging, American Association of Retired Persons, National Council on Senior Citizens, and Green Thumb.
- k. Payments received after January 1, 1989 from the Agent Orange Settlement Fund or any other fund established in the In Re Agent Orange product liability litigation;

- l. Payments received under the Maine Indian Claims Settlement Act of 1980 (Pub. L. 96- 420, 94 Stat. 1785);
- m. The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 USC 9858q);
- n. Earned income tax credit refund payments received on or after January 1, 1991 (26 USC 32 (j));
- o. Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation;
- p. Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990;

C. Anticipating Annual Income

If it is not feasible to anticipate income for a 12-month period, MDHA may use the annualized income anticipated for a shorter period, subject to an interim adjustment at the end of the shorter period. For example, this method would be used for teachers who are only paid for ten (10) months, or for tenants receiving unemployment compensation.

D. Adjusted Income

Adjusted Income is the income upon which rent is based. Adjusted income means Annual Income less the following deductions and exemptions:

1. For all Families

- a. **Child Care Expenses** - A deduction of amounts anticipated to be paid by the family for the care of children under thirteen (13) years of age for the period for which Annual Income is computed, but only when such care is necessary to enable a family member to be gainfully employed, to seek employment or to further his/her education. Amounts deducted must be unreimbursed expenses and shall not exceed: (a) the amount of income earned by the family member released to work; or (b) an amount determined to be reasonable by PHA when the expense is incurred to permit education or to seek employment.
- b. **Dependent Deduction** - An exemption of \$480 for each member of the family residing in the household, other than the head of household, or spouse, live-in aide, foster adult or foster child, who is under eighteen years of age or who is eighteen years of age or older and disabled, or a full-time student.
- c. **Work-related Disability Expenses** – A deduction of un-reimbursed amounts paid for attendant care or auxiliary apparatus expenses for family members with disabilities where such expenses are necessary to permit a family member(s), including the disabled member, to be employed. In no event may the amount of the deduction exceed the employment income earned by the family member(s) freed to work. Equipment and auxiliary apparatus may include but are not limited to:
 - Wheelchairs
 - Lifts

- Reading devices for the visually impaired
 - Equipment added to cars and vans to permit their use by the disabled family member.
 - Included would be the annualized cost differential between a car and the cost of a van required by the family member with disabilities.
- d. For non-elderly families and elderly or disabled families without medical expenses: the amount of the deduction equals the cost of all un-reimbursed expenses for work-related disability expense less three percent of annual income, provided the amount so calculated does not exceed the employment income earned.
- e. For elderly or disabled families with medical expenses: the amount of the deduction equals the cost of all unreimbursed expenses for work-related disability expense less three (3) percent of annual income (provided the amount so calculated does not exceed the employment income earned) plus medical expenses as defined below.
2. For Elderly and Disabled Families only:
- a. Medical Expense Deduction - A deduction of unreimbursed medical expenses, including insurance premiums, anticipated for the period for which annual income is computed. Medical expenses include but are not limited to:
- Services of physicians and other health care professionals
 - Services of health care facilities
 - Health insurance premiums (including the cost of Medicare)
 - Prescription and non-prescription medicines
 - Transportation to and from treatment
 - Dental expenses
 - Eyeglasses
 - Hearing aids and batteries
 - Attendant care (unrelated to employment of family members),
 - Payments on accumulated medical bills.
 - Effective June 1, 2004 and while in effect, for residents who have the Medicare Prescription Drug Discount Card, consider the market (pre-discount) price of eligible drugs, not the discounted price. Also include the enrollment fee (up to \$30) of the Medicare Prescription Drug Discount Card program, if not paid by Medicare. (PIH Notice 2004-11).
- b. To be considered by PHA for the purpose of determining a deduction from income, the expenses claimed must be verifiable.
- c. For elderly or disabled families without work-related disability expenses: The amount of the deduction shall equal total medical expenses less three (3) percent of annual income.
- d. For elderly or disabled families with both work-related disability expenses and medical expenses: the amount of the deduction is calculated as described in paragraph D.1.c .above.
3. Elderly/Disabled Household Exemption - An exemption of \$400 per household. See definitions in Appendix I of this policy.

E. Computation of Rent

1. The first step in computing rent is to determine each family's Total Tenant Payment (TTP). If the family is occupying a unit that has tenant-paid utilities, the utility allowance is subtracted from the TTP. The result of this computation, if a positive number, is the tenant rent. If the TTP less the utility allowance is a negative number, the result is the utility reimbursement, which is paid to the tenant.
2. TTP is the highest of:
 - a. 30% of adjusted monthly income; or
 - b. 10% of monthly income; but never less than the
 - c. Minimum Rent; and never more than the
 - d. Flat Rent, if chosen by the family (where applicable)
3. Tenant rent is computed by subtracting the utility allowance for tenant supplied utilities (if applicable) from the TTP. In developments where MDHA pays all utility bills directly to the utility supplier, tenant rent equals TTP.
4. The minimum rent shall be \$25 per month; however, a hardship exemption shall be granted to residents who can document that they are unable to pay the \$25 because of a long-term hardship (over ninety (90) days). Examples under which residents would qualify for the hardship exemption to the minimum rent would be limited to the following:
 - a. The family has lost eligibility for or is applying for an eligibility determination for a Federal, State or local assistance program;
 - b. The family would be evicted as a result of the imposition of the minimum rent requirements;
 - c. The income of the family has decreased because of changed circumstances, including loss of employment;
 - d. A death in the family has occurred; or
 - e. Other circumstances as determined by MDHA
5. The minimum rent hardship exemption is retroactive to October 21, 1998. If any resident who qualified for the hardship exemption was charged a minimum rent since that time, the resident may be entitled to a retroactive credit.
6. At initial certification and at each subsequent annual recertification, the resident shall be offered a choice of paying either the income -based rent or the Flat Rent applicable to the unit they will be occupying.

F. Earned Income Disallowance

The Earned Income Disallowance (EID) is the exclusion from the calculation of the family's income, the income increase attributable to new employment or increased earnings, over the income received prior to qualifying for the disallowance. The EID is not applicable to residents of Section 8 New Construction developments.

1. The EID applies to any Public Housing resident whose:

- a. annual income increases due to employment of a family member who was unemployed for one (1) or more year previous to employment; or
 - b. annual income increases as the result of increased earnings by a family member during participation in any economic self sufficiency or other job training program; or
 - c. annual income increases due to new employment or increased earnings of a family member during or within six (6) months of receiving state funded assistance, benefits or services.
2. For purposes of the EID, the following definitions apply:
- a. State-funded assistance, benefits or services means any state program for temporary assistance for needy families funded under Part A of Title IV of the Social Security Act, as determined by MDHA in consultation with the local agencies administering Temporary Assistance for Needy Families (TANF) and Welfare-to-Work programs. The TANF program is not limited to monthly income maintenance, but also includes such benefits and services as one -time payments, wage subsidies and transportation assistance – provided that the total amount over a six-month period is at least \$500.
 - b. During the 12-month period beginning when the member first qualifies for a disallowance, MDHA must exclude from annual income any increase in income as a result of employment. For the twelve (12) cumulative months following the first exclusion period, 50% of the income increase shall be excluded.
 - c. Regardless of how long it takes a resident to work for twelve (12) cumulative months (to qualify for the first exclusion) or the second twelve (12) cumulative months (to qualify for the second exclusion), the maximum period for the disallowance (exclusion) is forty eight (48) months.
 - d. The disallowance of increased income under this section is only applicable to current residents and will not apply to applicants who have begun working prior to admission, unless their earnings are less than would be earned working ten hours per week at minimum wage, under which they qualify as unemployed.
 - e. The definition of previously unemployed also includes a person who has earned not more than could be earned working ten (10) hours per week for fifty (50) weeks at the established minimum wage.
3. The periods of income disallowance are as follows:
- a. 100% disallowance of increased earnings: The initial 12-month cumulative full exclusion period begins on the date the qualifying family member experiences an increase in income attributable to employment or increased earnings. For tracking and administrative purposes, MDHA can begin the EID on the first day of the month following the effective date of employment.
 - b. 50% disallowance of increased earnings: The second 12-month cumulative exclusion period begins after the initial period ends.

- c. 48-month lifetime limitation: The EID concludes at the end of the second 12-month cumulative period or after 48 months of the initial 12-month cumulative period, whichever come first.
- d. After the EID periods end, the full income is included towards the rent calculation.

XIII. FAIR HOUSING AND EQUAL OPPORTUNITY

A. Non-discrimination Policy

1. MDHA complies with all federal, state, and County antidiscrimination laws including, but not limited to, the Fair Housing Act; Section 504 of the Rehabilitation Act of 1973; and the Americans with Disabilities Act.
2. No person shall, on the basis of race, color, sex, religion, national or ethnic origin, familial or marital status, sexual orientation, ancestry, age, pregnancy, or disability be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under programs operated and/or funded by MDHA.
3. MDHA will provide applicants and participants with federal/state/local information regarding discrimination and any recourse available to them if they believe they may be victims of discrimination.
4. MDHA will display the Fair Housing poster at ALC, Public Housing and Section 8 New Construction site offices. Upon eligibility determination, applicants will be provided with the Housing Discrimination Complaint form and information pertaining to procedures to be followed if the applicant believes he/she has experienced illegal discrimination.

B. Processing Non-Discrimination Complaints and Reasonable Accommodation Requests

1. All applicable Fair Housing Information and Discrimination Complaint forms will be made available at MDHA's 504/ADA Coordinator's office and/or by the 504/ADA Coordinator mailing copies of information to person requesting same. In addition, all appropriate written information and advertisements will contain the appropriate written information, and advertisements will contain the appropriate Equal Opportunity language and logo.
2. MDHA's 504/ADA Coordinator will assist any family that believes they have suffered illegal discrimination by providing copies of the federal and local housing discrimination forms and the addresses of the applicable offices. Also, MDHA's 504/ADA Coordinator will facilitate conciliation of discrimination complaints upon the request of complainants, to the greatest extent feasible.
3. MDHA will cooperate with USHUD in conducting monitoring and compliance reviews and complaint investigations, pursuant to all applicable civil rights statutes and regulations, Executive Orders, and all civil rights related program requirements.
4. Reasonable accommodation requests are processed through the 504/ADA Coordinator's office (refer to Section E of this Chapter).

C. Effective Communication Policy

MDHA has an Effective Communication Policy to ensure effective communication with applicants, residents, program participants, employees, and persons with disabilities. Such policy is Appendix II of this policy.

D. Emergency Evacuation Assistance Program Procedures

In case of emergency, MDHA will take all necessary steps to address specific needs of its residents in consistency with the Miami-Dade County Emergency Evacuation Assistance Program, as described in Appendix III of this policy.

Additionally, MDHA's Emergency Management Manual will continue to be reviewed to ensure that it contains all necessary provisions required for persons with disabilities in emergency conditions.

E. Reasonable Accommodation Policy and Procedures

MDHA's Reasonable Accommodation Policy and Procedures, as referenced through this ACOP, is Appendix IV of this policy.